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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 895/2025

SANCHIT KAPOOR

.....Applicant

Through: Mr. Gaurav Singh, Mr.
Hitesh Kumar and Mr.
Anuj Singh, Advs.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP
for the State with Insp. Raj
Kumar Pal, IFSO / Spl.
Cell, Delhi Police.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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28.04.2025

1. The present application is filed seeking pre-arrest bail in FIR No. 111/2024 dated 02.04.2024, registered at Police Station Special Cell, for offences under Sections 419/420/120B/34 of the Indian Penal Code, 1860 ('**IPC**') and Sections 66(C)/66(D) of the Information and Technology Act, 2000 ('**IT Act**').

2. It is the case of the prosecution that a call centre was being run in an illegal manner, which was cheating innocent people based in USA on the pretext of tech support for Charles Schwab Financial Services, which offers banking services, commercial banking, investment and wealth management related services. It is alleged that the accused persons cheated innocent persons by using high end technology for impersonation and fraudulent transactions. It is alleged that the call centre was being run from the premises which were taken on rent by the co-accused Gunjan Thakur. Certain people were also apprehended at the time of raid



conducted by the State.

3. During investigation, the name of the applicant was disclosed by the accused persons arrested in the case. It is alleged that it was disclosed that the applicant was 'blocker', who is a person responsible for managing and arranging funds in foreign countries after taking commission and sending it to scammers in India.

4. The learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and there is no evidence against the applicant. He submits that the applicant is a respectable businessman with hospitality business in Thailand.

5. He submits that the applicant has no role in the alleged offences and he has been roped in solely on the basis of the disclosure statement of the other accused persons.

6. He points out that all the other accused persons, including the ones that were apprehended at the time of raid, have already been admitted on bail.

7. *Per contra*, the learned Additional Public Prosecutor ('APP') for the State vehemently opposes the grant of any relief to the applicant. He submits that the applicant did not cooperate with the investigation and he has not provided his main phone.

8. I have heard the counsel and perused the record.

9. While determining the parameters in granting pre-arrest bail, the Hon'ble Supreme Court in ***Siddharam Satlingappa Mhetre v. State of Maharashtra***, (2011) 1 SCC 694 held as under:

"112.

(i) *The nature and gravity of the accusation and the exact role of the accused must be properly*



comprehended before arrest is made;

(ii) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;

(iii) The possibility of the applicant to flee from justice;

(iv) The possibility of the accused's likelihood to repeat similar or other offences;

(v) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her; (vi) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;

(vii) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which the accused is implicated with the help of Sections 34 and 149 of the Penal Code, 1860 the court should consider with even greater care and caution because over implication in the cases is a matter of common knowledge and concern;

(viii) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to the free, fair and full investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused;

(ix) The court to consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;

(x) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail."

10. It is alleged that the applicant acted as a blocker and used to manage and arrange funds in foreign countries after taking his commission.

11. It is the case of the applicant that he has been falsely implicated in the present case on the basis of disclosure statements of other accused persons.



12. While the veracity and credibility of the disclosure statements against the applicant will be seen after evidence is led in trial, it cannot be ignored that all the other accused persons in the present case, including the ones who were allegedly running the call centre as well as the ones touted to be the beneficiaries of the offence, have already been enlarged on bail.

13. Although most co-accused persons have been granted bail after arrest, it is relevant to note that the co-accused Gunjan, who is alleged to have taken the premises on rent from where the alleged call centre was run and who was one of the main managers of the call centre, has also been granted pre-arrest bail by order dated 04.03.2025, passed by the Coordinate Bench of this Court in BAIL APPLN. 1946/2024. While granting bail to the said co-accused, it was noted that the main co-accused had already been enlarged on bail.

14. The role attributed to the applicant cannot be held to be graver than the other accused persons at this stage.

15. It is also relevant to note that the applicant, by order dated 03.03.2025, was granted interim protection, subject to him joining investigation physically.

16. It is undisputed that the applicant has since joined investigation. It is however stated by the learned APP that the applicant has not cooperated with the investigation inasmuch as he has not provided certain gadgets which were allegedly being used by him in the last one year. Not confessing to the crime alleged or supporting the case of the prosecution does not amount to non-cooperation with the investigation [Ref. **Dwarkadas Fafat v. State of Maharashtra : (2017) 9 SCC 714**]. The Status Report mentions that the applicant has handed over his old phone, which



was being used by him earlier and stated that his iPhone broke in Thailand in the year 2024.

17. The purpose of custodial interrogation is to aid the investigation and is not punitive. The relief of bail cannot be denied to the applicant in such circumstances, especially since the other co-accused persons have already been granted the liberty.

18. Any apprehension regarding the applicant fleeing from justice, tampering with evidence or not cooperating with the investigation can be taken care of by putting appropriate conditions.

19. In view of the above, it is directed that in the event of arrest, the applicant is directed to be released on bail on furnishing a personal bond for a sum of ₹20,000/- with two sureties of the like amount, subject to the satisfaction of the concerned SHO, on the following conditions:

- a. The applicant shall join and cooperate with further investigation, if required, as and when directed by the IO;
- b. The applicant shall not leave the country without the prior permission of the learned Trial Court;
- c. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- d. The applicant shall appear before the learned Trial Court as and when directed;



- e. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/SHO;
- f. The applicant shall give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

20. The present bail application is allowed in the aforesaid terms.

21. In the event of there being any FIR/DD entry / complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

22. It is clarified that the observations made in the present order are only for the purpose of considering the present application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

AMIT MAHAJAN, J

APRIL 28, 2025

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