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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 971/2025**

MOHD.FAZIL

.....Petitioner

Through: Mr. Romil Pathak, Advocate

versus

GOVT OF NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for the State
with SI Vinod Kumar, PS
Cyber/South

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

24.03.2025

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[Physical Hearing/Hybrid Hearing (as per request)]

1. The petitioner has sought anticipatory bail in case FIR No. 68/2024 of PS Cyber Police Station, South, for offence under Section 419/420/34 IPC. Broadly speaking, the prosecution case is as follows. The complainant *de facto* Shri Shashidharan lodged a complaint alleging that he had obtained life insurance policies in the name of his wife in the year 2018. Subsequently in November 2022, he was informed by the insurance Company as regards stay on operation of those insurance policies by IRDAI and on the same day, he received a phone call regarding the said stay and on directions of the caller, he transferred Rs. 24,45,200/- in various accounts provided by the caller across a period of 1 ½ years on assurance of the caller to resolve the issue. During investigation, it came out that one of the bank accounts in which money of the complainant *de facto* was credited belonged



to accused Yogesh Chouhan and that amount was withdrawn by co-accused Abhishek Pratap Singh from the ATM. Accordingly, accused Yogesh Chouhan and Abhishek Pratap Singh were arrested. The co-accused Abhishek during custody with police disclosed that he used to withdraw the cheated amount in the name of Yogesh Chouhan through ATMs and after retaining 10% of the withdrawn amount, he used to give the balance to accused Mohd. Fazil (petitioner herein).

2. It is claimed by prosecution that the petitioner Mohd. Fazil is the recipient of 90% of the cheated amount, so cannot be granted anticipatory bail. Learned prosecutor has today filed status report which is accepted across the board to be scanned and made part of the file. It is contended by learned prosecutor that between accused Abhishek and Mohd. Fazil, there were also phone calls according to CDRs, which would show the involvement of the petitioner.

3. As regards the CDRs, the petitioner has explained with the help of police complaint annexure P-2 which was lodged by the petitioner Mohd. Fazil against accused Abhishek, alleging financial dispute. Regarding the said complaint, the IO approached PS Bhawanpur of Meerut where that complaint was lodged but as per certificate issued by SO of that Police Station, neither any complaint was registered nor any entry of that complaint was made in the register. The fact remains that the said complaint annexure P-2 bears a stamp of PS Bhawanpur, genuineness whereof has not been disputed by SO Bhawanpur. However, as submitted by learned prosecutor, this would be a matter of trial.

4. To conclude, presently apart from the CDRs between the petitioner and accused Abhishek, which are explained by the petitioner on account of



money dispute between the two, there is no evidence to connect the petitioner with the alleged offence. Of course, these observations are on the basis of only the material collected till date in the investigation and shall have no bearing on trial.

5. Therefore, the application is allowed and it is directed that in the event of arrest, the accused applicant shall be released on bail subject to his furnishing a personal bond in the sum of Rs. 20,000/- with one surety in the like amount to the satisfaction of the IO/SHO. The accused applicant shall join the investigation as and when directed by the IO in writing.

GIRISH KATHPALIA, J

MARCH 24, 2025/tp

Click here to check corrigendum, if any