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

\+ BAIL APPLN. 1681/2025

JIVANI SANJAYKUMAR JASUBHAI .....Petitioner
Through: Mr. Nikhil Kapoor, Advocate.

versus

STATE NCT OF DELHI .....Respondent
Through: Mr. Manoj Pant, APP for the State

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

<u>O R D E R</u>

% 01.05.2025

1. By way of the present application, the applicant is seeking a grant of anticipatory bail in the case arising out of FIR bearing no. 182/2024, registered at Police Station Crime Branch, New Delhi, for the commission of offences punishable under Sections 318(4)/61(2) of Bhartiya Nyaya Sanhita, 2023 (hereafter '*BNS*').

2. Briefly stated, the present FIR was registered on the complaint of Kulveer Singh, alleging that, in the month of May 2024, he had been added to a WhatsApp group, named "A002 Globe Capital Stocks Group". Subsequently, he had been contacted by a person, Monica Raghvan, a representative of M/s Globe Capital Market Limited, who allegedly persuaded him to join a premium WhatsApp group namely "A444-Globe Capital Customer Service" for high returns on investments through the aforesaid company's mobile application. On following multiple interactions, the complainant had been induced to open a Globe Capital Primary Account using his Aadhaar and PAN cards, and subsequently to download a specific application through a link shared in the WhatsApp group. On the

instructions of Monica, the complainant had transferred Rs. 31,60,000/- to two bank accounts associated with New Sadiqueen Traders (Bandhan Bank) and Mahadev Enterprise (Axis Bank) during the period 28.05.2024 to 21.06.2024. Thereafter, on 27.06.2024 the accused Monica had convinced the complainant to make an additional deposit of Rs. 30,12,000/- on the pretext of higher returns. Thereafter, Monica had gained his trust by facilitating a withdrawal of Rs. 3,65,000/- which had been credited to his account, further encouraging him to invest more. However, when the complainant subsequently attempted to withdraw Rs. 10,00,000/- on 09.07.2024, his request failed, and subsequent attempts to contact Monica were unsuccessful.

3. During the course of the investigation, notices had been served to the concerned bank officials to obtain the relevant bank details for the specified period. Upon analysis of these bank details, it was revealed that the cheated amount had been transferred into two bank accounts registered in the names of M/s Mahadev Enterprises (Junagadh, Gujarat) and M/s New Sadiqueen (Srinagar, Kashmir), to the tune of Rs. 49,22,000/- and Rs. 12,50,000/- respectively. Thereafter, the funds had been siphoned off to several other bank accounts, including M/s Olive Enterprises (approximately Rs. 24,00,000/-) based in Malad, Mumbai, and Raju Bhai Sonu Bhai (Rs. 6,70,000/-) of Suraj, Gujarat.

4. The learned counsel for the applicant herein argues that the applicant/accused has been falsely implicated in the present case and the chargesheet has been filed. It is submitted that the present FIR does not mention anything about the applicant herein. It is argued that the applicant herein is not even remotely involved in the present case and nothing is to be

recovered from the applicant/accused, and therefore no fruitful purpose will be served by arresting him. It is further submitted that the applicant herein has clean antecedents. It is also submitted that the applicant herein had been served with a notice under Section 35 of BNSS, however, due to medical conditions, the applicant/accused was not able to appear, which was duly informed to the concerned Investigating Officer (IO). Therefore, the applicant herein must be granted anticipatory bail.

5. The learned APP for State, on the other hand, strongly opposes the present application and argues that the applicant herein is actively involved in the organized cybercrime syndicate. It is submitted that the investigation is at initial stage, and the custodial interrogation of the applicant is required to unearth the entire conspiracy. It is also argued that multiple notices under Section 35(3) of BNSS had been issued to the applicant herein to join the investigation. However, despite these notices, the applicant has not joined the investigation till date. It is also submitted that the CCTV footage obtained from the Indusland Bank also reveals the involvement of the applicant herein in the present case. It is stated that the allegations are serious in nature, the source of the cheated amount is yet to be discovered, and the material placed before this Court, by way of the status report, is sufficient at this stage to show the active involvement of the applicant herein in the offence in question. Hence, the present anticipatory bail be dismissed.

6. This Court has heard arguments addressed on behalf of both parties and has perused the material available on record.

7. In the present case, this Court notes that as per the Status Report, the investigation so far has revealed that large number of SIM cards were used by the syndicate of accused(s) in this case, and most of the SIM cards had

been issued from Ahmadabad, Gujarat by a single retailer identified as Deepak Wadhwani (co-accused). Another co-accused Deepak, on investigation, had revealed that, to earn easy money, he had met two persons namely Mahesh, who had allegedly been the account provider and facilitator to syndicate members, and Vipul, who had allegedly obtained the SIM card and co-ordinated with the bank official and other members of the cyber crime syndicate. The accused Vipul, on detailed interrogation, revealed that he had prepared fake companies with the help of the bank officials and other members of the syndicate namely Sanjay Jivani (the present applicant), Nikul, and Moin, and had withdrawn the cheated amount deposited by the said syndicate members to hand over to the applicant herein and accused Nikul.

8. It is pertinent to note that, as per the Status Report, during the course of the investigation, the CCTV footage of Indusland Bank had been obtained wherein it could be seen that the applicant herein along with the accused Nikul and Moin had come to Indusland Bank to withdraw the cheated amount with the help of the accused Vipul. The aforesaid accused persons had also threatened the bank official, who could be seen in the CCTV footage inquiring into clearing the transfer of another person's bank account to them. It is also noted that notices under Section 35(3) of BNSS dated 08.10.2024, 10.10.2024, and 29.01.2025 had been issued to Sanjay Jivani (the applicant herein), Mukul, and Jigar at their available addresses to join investigation. However, none of them has joined the investigation of the present case.

9. Having carefully examined the material on record, this Court notes that insofar as the role ascribed to the applicant herein is concerned, the

investigation so far has prima facie revealed his involvement in the money trail and routing of the invested money linked to the organized cyber crime syndicate. The allegations against the applicant herein are specific that he had introduced fake companies with the help of bank officials and other members of the syndicate, and he had obtained fake SIM cards and fake company bank accounts from co-accused Vipul, through which he used to cheat people.

10. The investigation of the present case is at initial stage and the custodial interrogation of the present applicant would be required to unearth the entire conspiracy and other relevant information as well as the involvement of other accused persons. Moreover, the preliminary reports suggest that the applicant herein has not fully cooperated with law enforcement authorities during the investigation thus far. Such non-cooperation highlights the necessity for custodial interrogation to facilitate a more thorough and effective investigation. Considering the seriousness of the allegations, the manner of commission of offence in question, and the larger public interest in view of the fact that the complainant was cheated of his money by way of cyber offence, this Court finds no ground to grant anticipatory bail to the applicant.

11. Accordingly, the present bail application stands dismissed.

12. It is, however, clarified that nothing expressed herein above shall be tantamount to an expression of opinion on the merits of the case.

13. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MAY 1, 2025/vc

Click here to check corrigendum, if any