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

+ **BAIL APPLN. 4120/2023**

MAZID ALI

.....Petitioner

Through: Mr. Zoheb Hossain, Mr. Ahmad Ibrahim, Mr. Pranjal Tripathi, Ms. Ayesha Zaidi and Mr. Jeet Chakrabarti, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP for the State. Mr. J.K. Sharma and Ms. Ayushi Bansal, Advocates for Mr. Som Shankar alias Sonu Thukral.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

10.01.2025

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By way of the present petition filed under section 439 read with section 482 of the Code of Criminal Procedure 1973, the petitioner seeks regular bail in case FIR No.295/2022 dated 24.12.2022 registered under sections 408/409/420/467/468/471/120-B of the Indian Penal Code, 1860 at P.S.: Crime Branch, Delhi.

2. Notice on this petition was issued on 06.12.2023.
3. Status Report dated 10.01.2023 has been filed in the matter.
4. Nominal Roll dated 19.12.2024 has also been received from the concerned Jail Superintendent.
5. Mr. Zoheb Hossain, learned counsel appearing for the petitioner has premised his bail plea on 03 principal contentions :

5.1. *First*, Mr. Hossain argues that the petitioner is entitled to regular bail on parity since 04 of the 05 co-accused persons in



the subject FIR have already been admitted to regular bail. Counsel points-out that co-accused persons : Mr. Awaneesh Chandra Jha has been enlarged on regular bail by the Supreme Court *vide* order dated 22.10.2024 made in Criminal Appeal No.4354/2024; Mr. Trikkur Venkatachalam Radhakrishnan and Mr. Sarnala Sreedhar have been enlarged on bail by Co-ordinate Benches of this court *vide* judgment dated 29.11.2023 in BAIL APPLN. No.2539/2023 and order 07.03.2023 in BAIL APPLN. No.781/2023 respectively; and Mr. Ashok Kumar has been enlarged on bail *vide* order dated 13.03.2023 made by learned ACMM, South East District, Saket Courts, Delhi in case bearing CRC No.267/2023;

- 5.2. *Second*, counsel submits that a perusal of the charge-sheet filed in the matter would show that the role attributed to the petitioner is only that he allegedly used the digital signature of one Anil Nanda (since deceased) provided to him by co-accused Awaneesh Chandra Jha and performed the ministerial act of changing the shareholding pattern and directorship of the company M/s Joint Investment Private Ltd. ('JIPL') in favour of the said co-accused Awaneesh Chandra Jha. It is argued that that the petitioner is an accountant by profession, who runs an independent practice with several clients, who engage him to perform tasks relating to accountancy and company filings, etc.; and what the petitioner is alleged to have done in the present case was in performance of his usual and ordinary professional work, without any knowledge, concern or



involvement with what the other co-accused persons were seeking to achieve thereby. It is submitted that the petitioner neither received any benefit from, nor was he connected with, the transaction that is the subject matter of the FIR in any other manner; and

- 5.3. *Third*, Mr. Hossain argues that the prosecution has cited 30 witnesses in the charge-sheet and supplementary charge-sheet but charges are yet to be framed; and therefore trial has not even begun, while in the meantime, as will be seen from the nominal roll dated 19.12.2024 received from the jail, the petitioner has already suffered judicial custody for about 02 years as an undertrial.
6. Mr. Hossain also points-out that the admitted position is that the petitioner is not party to any of the civil litigation between the contesting parties, which shows that he has no connection with the actual transaction from which the alleged criminality on the part of the other co-accused persons arises.
7. Mr. Utkarsh, learned APP appearing for the State very fairly submits that it is correct that 04 of the 05 accused persons in the matter have already been enlarged on regular bail; and the role alleged against the petitioner is *only* that he misused the digital key of Anil Nanda, and executed the transfer of shareholding of M/s JIPL in favour of co-accused Awaneesh Chandra Jha.
8. Mr. J.K. Sharma, learned senior counsel appears for one Mr. Som Shankar @ Sonu Thukral and submits that though he is not the complainant in the subject FIR, he has a vital interest in the property



that is subject matter of the crime committed by the accused persons, since he is the sole beneficiary in respect of the subject property under the Will of the deceased Anil Nanda

9. Mr. Sharma argues that clearly, it is the petitioner who performed the final step of the unauthorized transfer of the shareholding of M/s JIPL in favour of co-accused Awaneesh Chandra Jha by misusing the digital key of Anil Nanda; and is therefore very much a party to the offence. Learned senior counsel also submits, that as will be seen from his nominal roll, the petitioner has other criminal involvements as well in relation to similar offences.
10. Be that as it may, upon an overall consideration of the facts and circumstances of the case, what weighs with the court at this stage are the following considerations :
 - 10.1. Admittedly, the *only* role ascribed to the petitioner in the charge-sheet is that he misused the digital key of Anil Nanda to undertake the transfer of the shareholding of Anil Nanda in M/s JIPL in favour of co-accused Awaneesh Chandra Jha, it being also stated in the charge-sheet that the digital key was provided to the petitioner by the said Awaneesh Chandra Jha;
 - 10.2. There is no allegation that the petitioner is a party to any other transaction in relation to the offences, or to any civil dispute between the contesting parties;
 - 10.3. There is also no allegation that for performing the action of transferring the shareholding, the petitioner received any share in the subject property or any other benefit in relation to the subject property;



- 10.4. It is also common ground that 04 of the 05 accused persons in the subject FIR have already been enlarged on regular bail and it is only the petitioner who continues to remain in judicial custody. The State has also fairly conceded that the incriminating role alleged against the petitioner is the least as compared to the role ascribed to the other co-accused persons; and
- 10.5. The petitioner has been in judicial custody for more than 02 years as an undertrial, whereas trial in the matter is yet to commence; the prosecution has cited 30 witnesses in the charge-sheet and supplementary charge-sheet and therefore the trial in the matter will evidently take a long time to conclude.
11. As a sequitur to the above, this court is persuaded to grant to the petitioner – **Mazid Ali s/o Sajid Ali** – *regular bail*, subject to the following conditions :
- 11.1. The petitioner shall furnish a personal bond in the sum of Rs.50,000/- (Rs. Fifty Thousand Only) with 02 sureties in the like amount from relatives, to the satisfaction of the learned trial court;
- 11.2. The petitioner shall furnish to the Investigating Officer (I.O.) a cellphone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
- 11.3. If the petitioner has a passport, he shall surrender the same to the learned trial court and shall not travel out of the country without prior permission of the learned trial court;



- 11.4. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial; and
- 11.5. In case of any change in his residential address/contact details, the petitioner shall promptly inform the I.O. in writing.
12. Since the petitioner is facing trial and is therefore appearing before the learned trial court from time-to-time, it is not considered necessary to impose a reporting requirement as a condition of regular bail.
13. Subject to the above conditions, the petitioner is directed to be released from judicial custody *forthwith*, unless required in any other case.
14. Nothing in this order shall be construed as an expression of opinion on the merits of the pending matter.
15. A copy of this order be sent to the concerned Jail Superintendent *forthwith*.
16. The petition stands disposed-of.
17. Other pending applications, if any, are also disposed-of.

ANUP JAIRAM BHAMBHANI, J

JANUARY 10, 2025

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