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

+ **BAIL APPLN. 4095/2024**

SHARUKH KHAN

.....Petitioner

Through: Ms. Preeti Pathak and Ms. Amit Singh
Bhadoriya, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP for State with
SI Amit Malik, PS Cyber West

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

17.01.2025

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1. This hearing has been done through hybrid mode.
2. This bail application under Section 439 Cr.P.C. seeks regular bail in case FIR No.02/2024 filed under Sections 420/120B/34 IPC registered at PS Cyber, West.
3. The case of the prosecution *qua* the present applicant is that a complaint was received from one Mr. Prashant alleging that he was cheated of an amount of Rs.47,39,554/- by an unknown person on Telegram on the pretext of investments/work from home. It was alleged that he had transferred the said money in many accounts under the influence of the fraudster.
4. During the course of the investigation the bank details where the cheated amount was transferred was obtained and after analysis it was found that a sum of Rs.1,50,000/- was transferred to the account of the present

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applicant in the name of SK Traders. Further investigation revealed that the applicant had opened multiple accounts in different banks, the details of which have been mentioned in the status report.

5. It is further submitted that it is the case of the prosecution that the applicant by opening the said accounts had been facilitating various transactions of cheated amounts from different persons.

6. Learned counsel appearing on behalf of the applicant submits that the applicant is a 5th Class drop out who is an Air Conditioner repair mechanic and was lured by one Juned in opening these accounts.

7. It is submitted that the chargesheet in the present case has been filed and the applicant has already been granted bail in the other FIRs mentioned in the status report. The applicant has been in custody since 15.03.2024.

8. *Per contra*, learned APP on instructions from the IO submits that as detailed in the status report, the applicant is involved in various other FIRs on the basis of the accounts he has opened. It is submitted that the present applicant is a habitual offender and has been indulging in these activities for a considerable period of time.

9. Heard learned counsel for the parties and perused the record. It is a matter of record that the FIRs as mentioned in the status report where the applicant is facing trial, he has already been granted bail while he was in custody in the present FIR. The chargesheet in the present case has been filed before the learned Trial and the matter is at the stage of consideration at the point of charge. The applicant has been in custody since 15.03.2024. No useful purpose will be served by keeping him in judicial custody.

10. In view thereof, the present application is allowed. The applicant is directed to be released on bail, on his furnishing a personal bond of Rs.



50,000/- with one surety of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions:

- i. The applicant shall not leave India without prior permission of the learned Trial Court.
- ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
- iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- iv. The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
- v. The applicant shall report to the concerned IO every Thursday at 4:00 PM and the concerned officer is directed to release him by 4:30 PM after recording his presence and completion of all the necessary formalities..
- vi. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
11. The application is allowed and disposed of accordingly.
12. Pending application(s), if any, also stand disposed of.
13. Needless to state, nothing mentioned hereinabove is an opinion on the merits of the case and any observations made are only for the purpose of the present bail application.
14. Status report has not been filed earlier. The same has been filed today. Let the same be taken on record.
15. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.



16. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

JANUARY 17, 2025

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Click here to check corrigendum, if any

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