



2025:DHC:4923



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 06.06.2025

+ BAIL APPLN. 4119/2024

MOBINUDDIN SHAIKH

.....Applicant

Through: Mr. Rudra Vikram Singh, Mr.
Tarshith Bhardwaj, Ms. Neetu
Rani and Ms. Rashmi,
Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Yudhvir Singh Chauhan,
APP for State with Insp.
Kuldeep Bhojia, EOW.

CORAM:

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR% JUDGEMENT (Oral)HARISH VAIDYANATHAN SHANKAR, J.

1. The present application under Section 483 of the **Bharatiya Nagarik Suraksha Sanhita, 2023**¹ (Section 439 of the **Code of Criminal Procedure, 1973**²), has been filed by the Applicant/ Accused seeking regular bail in FIR No. 77/2023 dated 14.10.2023, registered at Police Station - Economic Offences Wing, Delhi, for offences punishable under Sections 406, 420, 467, 468, 471, 120-B, and 34 of the **Indian Penal Code, 1860**³.

2. The FIR was lodged on the basis of a complaint filed by the Deputy Commissioner (Refund), Air Cargo Complex (Import), New

¹ BNSS² Cr.P.C.



2025:DHC:4923



Customs House, near IGI Airport, New Delhi.

3. After the completion of the investigation, additional offences under Sections 411 and 201 IPC were also invoked *vide* chargesheet dated 12.01.2024.

4. As per the complainant, its office generated Scroll No. 09-2023-24 dated 12.09.2023, reflecting a refund amount of Rs.9,87,85,008/- in favour of the importer M/S SKG Enterprises. The said Scroll, along with a cheque for the said amount, was sent to Punjab National Bank for disbursement.

5. As per case of the prosecution, upon examination of the disbursal details under Scroll No. 09/2023-24, it was revealed that the refund amount was diverted and disbursed not only to the intended beneficiary but also to three other entities, including Micro Info Private Limited. The Applicant is stated to be the account holder of Micro Info Private Limited, which allegedly received portion of the misappropriated funds from the accounts of the Excise and Customs Department.

6. In connection with the said allegations, the Applicant was arrested on 23.10.2023 and has remained in judicial custody since then.

7. Mr. Rudra Vikram Singh, learned counsel for the Applicant, submits that several co-accused persons named in the same FIR have already been granted bail. In particular, he draws the Court's attention to the judgment dated 01.05.2025 passed by the learned Single Judge of this Court in Bail Application No. 4475/2024 titled ***Amit Agrawal v. State of NCT of Delhi & Ors.***, whereby the co-accused Amit

³ IPC



2025:DHC:4923



Agrawal was granted regular bail.

8. Learned counsel for the Applicant further submits that another co-accused, Ms. Pooja Ghosh, was granted bail by the Chief Metropolitan Magistrate, Patiala House Courts, New Delhi, *vide* order dated 20.04.2024.

9. Learned counsel for the Applicant also points out that similarly placed co-accused persons, *namely*, Mr. Prasenjit Mitra and Mr. Deepesh Chamoli, have been enlarged on bail *vide* order dated 08.08.2024 passed by the learned Single Judge of this Hon'ble Court, and order dated 09.02.2024 passed by the Chief Metropolitan Magistrate, Patiala House Courts, New Delhi, respectively.

10. This Court heard learned counsel for the Applicant, learned APP for the State and learned counsel for the Complainant.

11. This Court notes that the co-accused persons, who have been implicated in the same FIR and whose alleged role in the commission of the offence are identical or substantially similar to that of the present Applicant, have already been granted the regular bail by a Co-ordinate Bench of this Court or Chief Metropolitan Magistrate, Patiala House Courts, New Delhi.

12. This Court is of the considered view that the law does not permit adoption of dual standards for accused persons who are similarly placed in respect of the allegations levelled against them. No distinguishing fact or circumstance has been pointed out by the Prosecution to demonstrate that the case of the present Applicant stands on a different footing from that of the co-accused.

13. In such circumstances, the principle of parity squarely applies. Once it is established that the co-accused, assigned a similar role, has



2025:DHC:4923



already been enlarged on bail, it would be unjust and discriminatory to deny the same relief to the present Applicant.

14. Accordingly, in view of the parity in role and absence of any aggravating factor particular to the Applicant, this Court is of the opinion that the Applicant also deserves to be released on regular bail.

15. In view of the above, the Applicant shall be released on bail on the following terms and conditions:

- (i) The Applicant shall furnish a personal bond in the sum of Rs.5,00,000/- (Rupees Five Lacs Only) with 02 sureties in the like amount from family members, subject to the satisfaction of the learned Trial Court;
- (ii) The Applicant shall furnish to the Investigating Officer, a cellphone number on which the Applicant may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
- (iii) If the Applicant 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;
- (iv) The Applicant 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.
- (v) The Applicant 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;
- (vi) In case of any change in his residential address/contact details, the Applicant shall promptly inform the Investigating Officer in writing; and



2025:DHC:4923



(vii) The Applicant shall not open or close any bank account, without giving to the Investigating Officer a 30 days prior written notice; and would furnish to the Investigating Officer the full particulars of any such action that he may take.

16. Needless to state that this order shall not be construed as an expression of opinion on the merits of the pending case.

17. A copy of this order be sent to the concerned Jail Superintendent forthwith, for information and compliance.

18. The Bail Application 4119/2024 is disposed of, in the above terms.

HARISH VAIDYANATHAN SHANKAR, J
(VACATION JUDGE)

JUNE 6, 2025/sm/er