$~4 and 5

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

\+ BAIL APPLN. 4207/2024

VISHNU SOLANKI .....Petitioner

Through: Mr. Susheel Tomar and Mr. Sudhir Nagar, Advocates.

versus

STATE GOVT NCT OF DELHI .....Respondent

Through: Ms. Shubhi Gupta, APP for the State. SI Naveen, P.S. Cyber Central.

5

\+ BAIL APPLN. 4228/2024

ROBIN SOLANKI .....Petitioner

Through: Mr. Susheel Tomar and Mr. Sudhir Nagar, Advocates.

versus

STATE GOVT. OF NCT OF DELHI .....Respondent

Through: Ms. Shubhi Gupta, APP for the State. SI Naveen, P.S. Cyber Central.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

O R D E R

% **18.02.2025**

1. This hearing has been done through hybrid mode.

2. The present bail applications have been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeks regular bail in case FIR No. 50/2024, under Sections 318(3)/204/61(1)(a) of the Bharatiya Nyaya Sanhita, 2023 registered at P.S. Cyber Police Station Central. Since the applications

arise out of the same FIR, the same are being disposed of *vide* a common order.

3. The case of the prosecution as per common status reports dated 10.01.2025, authored by the SHO, P.S. Cyber Central, is as under:

> "That the present FIR No. 50/2024 dated 18.07.2024 under Sections 318(4)/204/61.2(a) BNS was registered at PS- Cyber Central Delhi on the complaint of Mr. Kamal Handa S/o Late Ramesh Chand R/o Flat No. 907, Building No. 4 and 5, Unity Group's Group Housing Project, Behind Jiwan Hospital, Karol Bagh, Delhi. He alleged that on 13th July, 2024 at about 2.02 pm, a whatsapp call was received by the complainant from some telecom centre from phone No. 9871015297, a lady on the call told him that one SIM Card, issued in his name about one and half month back from Lucknow, had been misused in commission of several crimes and the Police Station Alam Bagh, Lucknow Police is in search for him, She transferred the call to the one of the accused persons who introduced himself a High Ranked Police officer ADG, Lucknow, He informed him that there were about 17 FIRs registered against him for committing offences of Money Laundering and human trafficking etc. and NBW had been issued against him. Thereafter he disconnected the call. After sometime the said so called police officer/ADG again made him a video Call from whatsapp no. 8917583995, he was in police officer/ ADG uniform and started threatening him that police had made him several calls but he did not receive them deliberately. The alleged person told him that the Lucknow Police would come to his place to arrest him if he tried to hide anything and did not give correct answers of his queries. He sent Some photographs of some criminals through whatsapp and asked him if he knew them. The complainant refused to recognize any of them. The alleged person told the complainant that if he gave him correct answers, he would help him and would try to get him released on bail from Court. The complainant got very much scared. The alleged person told him that he was appearing him to be an innocent person and asked him to send Rs. 4 Lakh + Rs. 4 Lakh for purchasing some papers for his bail and to appoint a Govt. Advocate on his behalf. The complainant got so much scared that he started transferring money in different bank accounts given by the alleged person and transferred a total amount of Rs. 31,55,000/- as per his directions.

During the course of investigation, it was found that the alleged cheated amount was primarily transferred in 9 different bank accounts. One of those bank account was A/c No. 218305500625 IFSC Code ICICIO002183 in which cheated amount of Rs. 2,00,000/- was credited. The aforesaid account was found in the name of P2 Fitness a proprietorship of Dev Bhati S/o Lt Sh. Sukhpal Singh R/o Village Sunpeda, Tehsil Sikandrabad, Bulandshahar, UP. The perusal of the bank account statement revealed that there are credits of Rs. 1,26,65,487/- in this account between 11.07.2024 and 16.07.2024. **whereas, the registered mobile number of the said account is 9837737235. During investigation it was found that the aforesaid phone number is registered in the name of one Vishnu Solanki S/o Sh. Ravinder Singh R/o vill Khabra, Distt Bulandshahar, UP**.

On 26.07.2024 accused Dev Bhati was apprehended and subjected to the sustained interrogation. During interrogation he disclosed that he had got the present account opened in the name of P2 Fitness on the direction of one Robin Solanki who offered him money for the said current account. Later on, he handed over the said account to him for creating internet banking user ID and password. He further disclosed that he had furnished mobile number of one Vishnu Solanki in the above said bank account as registered number on the direction of Robin Solanki.

On 28.07.2024 accused Robin Solanki and Vishnu Solanki were arrested. During interrogation accused Vishnu Solanki disclosed that he had got his mobile number registered for the bank account opened in the name of Dev Bhati on the direction of Robin Solanki. He further added that he had accompanied account holder Dey Bhati to Hotel Om International Paharganj Delhi where he introduced Dev Bhati with one who was known as Agent. Later on, the identity of the Agent was revealed as Akash Kumar Jain. Apart from this the phone number and mobile handset which was used in making transactions from A/c No. 218305500625 was recovered from the sole possession of the present applicant viz Vishnu Solanki. The CDR analysis of Vishnu Solanki revealed that he had been in touch with the agent Akash Kumar Jain who was working at the behest of two foreign nationals i.e. Wen Li and Neo.

During analysis of whatsapp chat between accused Dev Bhati and Robin Solanki, it was revealed that that the above said accused persons is actively involved in the commission of crime.

The whatsapp chat reveals that Robin Solanki shared Internet banking ID and password for Dev Bhati's account after creating it himself. He also shared his account number and IFSC code along with daily limit of the said account. At one point of time, he asked Dev Bhati on his Whatsapp "kaam Shuru ho gaya?" during Dev Bhati's stay in Paharganj hotel.

On 31.07.2024 accused Akash Kumar Jain S/o Lt. Sh. Manoj Jain R/o Naya Bus Stand, Nehru Ward, VTC Gotegaon, Distt Narsimhapur, MP Age 31 years was arrested. From his possession four mobile phones and one laptop were seized in which various incriminating and corroborating evidence were found. He disclosed that he worked at the behest of two Chinese nationals i.e. WengLi and Neo with whom he is connected through is Telegram App. He disclosed that at the direction of these two Chinese nationals he operates in India. He assembles all the account holders at Om international Hotel Paharganj So that there could not be any interruption in the flow of transactions once the cheated amount is credited in the said accounts. He is also captured in CCTV footage of the Hotel where all the account holders were assembled by him. Moreover, he is in regular contacts with accused Vishnu Solanki according to CDR. Charge-sheet against the present petitioner/accused has been submitted before the Hon'ble Court."

4. Further, in the status report in respect of the applicant Robin Solanki, an additional observation has been made which is reproduced as under:

> "He further added that he had accompanied account holder Dev Bhati to Hotel Om International Paharganj Delhi where he introduced Dev Bhati with one who was known as Agent. Later on, the identity of the Agent was revealed as Akash Kumar Jain."

5. Learned counsel appearing on behalf of the applicants submits that the allegations *qua* the present applicants is for opening one of the bank accounts in which cheated amounts were credited. The account opened at the instance of the present applicants was in the name of P2 Fitness, a proprietorship of one Dev Bhati, wherein a part of the cheated amount in the present FIR, *i.e.*, Rs. 2 lakhs was credited.

6. The case of the prosecution is that the registered mobile number of the said account was in the name of the applicant-Vishnu Solanki. It is also the case of the prosecution that the aforesaid account was opened by the co-accused Dev Bhati on directions of the applicant-Robin Solanki, who offered him money to open the said account. It is submitted that the investigation in the present case is complete, chargesheet has been filed on 21.09.2024 and the matter is at stage of consideration on point of charge. The applicants have no previous involvements. It is further submitted that in the chargesheet nothing has been produced on record to reflect that the cheated money had come in the personal bank accounts of the present applicants or that they otherwise had benefited from the same.

7. *Per contra,* learned APP for the State, on instructions of the Investigating Officer, submits that the present applicants are involved in the commission of crime which relates to opening of different accounts to facilitate the deposit of cheated amounts and, thereafter, the money outflow is towards various other accounts, which are presently under investigation.

8. Heard learned counsel for the parties and perused the record.

9. The status report placed on record does not show any outflow from any of the accounts which were used for the purposes of cheating to the accounts of present applicants or otherwise.

10. On a pointed query from the Investigating Officer, it is stated that apart from this account, nothing has come on record so far connecting the present applicants with other accounts as neither there is any material to show whether any amount had been credited to their accounts. Chargesheet in the present case has been filed. The prosecution has cited 16 witnesses and the matter is at the stage of consideration on the point of charge. It is further pointed out

that further investigation is being carried out, and if required, a supplementary chargesheet shall also be filed.

11. The nominal roll dated 13.02.2024 of the applicant Vishnu Solanki reflects that as on 11.02.2025, he has undergone incarceration of 6 months 14 days. The nominal roll dated 08.02.2025 of the applicant- Robin Solanki reflects that as on 07.02.2025, he has undergone incarceration of 6 months 10 days. The applicants have no previous involvements.

12. In totality of the fact and circumstances of the case, the applicants are directed to be released on bail, on their furnishing a personal bond of Rs. 25,000/- with one surety of like amount each, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions:

i. The applicants shall not leave India without prior permission of the learned Trial Court.

ii. The applicants shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.

iii. The applicants shall appear before the learned Trial Court as and when the matter is taken up for hearing.

iv. The applicants are directed to give his mobile number to the Investigating Officer and keep it operational at all times.

v. The applicants shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.

vi. The applicants shall report at the Cyber Police Station, Central twice a month, *i.e.*, on every Second and Fourth Monday at 12:00 P.M. and the concerned officer is directed to release them by 01:00 P.M. after recording their presence and completion of all the necessary formalities.

13. The applications are allowed and disposed of accordingly.

14. Pending application(s), if any, also stands disposed of.

15. 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 applications.

16. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.

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

AMIT SHARMA, J

FEBRUARY 18, 2025/*bsr/sc*

Click here to check corrigendum, if any