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

+ **BAIL APPLN. 4342/2024**

SOMVIR

.....Petitioner

Through: Mr. Manjit Kumar Pathak, Advocate

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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09.01.2025

CRL.M.A. 35492/2024 & CRL.M.A. 35493/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

BAIL APPLN. 4342/2024

3. The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereafter 'BNSS') has been filed on behalf of the applicant, seeking grant of regular bail in case arising out of FIR bearing no. 5/2024, registered at Police Station Cyber Police Station (West), Delhi, for offences punishable under Sections 420/120B/34 of the Indian Penal Code, 1860 (hereafter 'IPC').
4. Brief facts of the case, as per prosecution, are that on 30.01.2024, a complaint *vide* NCRP No. 585 & 30801240004246 was received at PS Cyber West from the complainant Mrs. Harmeet, wherein she had alleged



that some unknown person had lured her to invest for an IPO subscription which was launched on 30.01.2024. Thereafter, when she had tried to withdraw her amount, they demanded more money for tax deductions. Upon receiving the complaint, an enquiry was conducted and it was found that the complainant had transferred an amount of Rs. 42,24,000/- in five different accounts. After enquiry, the present FIR was registered and investigation of the case was taken up. On 03.06.2024, the applicant was arrested by the police. On completion of investigation, chargesheet was filed before the concerned court. On 12.09.2024, the learned Chief Judicial Magistrate West, dismissed the bail application filed by the applicant for grant of regular bail.

5. The learned counsel appearing for the present accused/applicant argues that the applicant has been falsely implicated in the present case, and he has been in judicial custody since 03.06.2024. It is contended that the investigation in this case has already been completed and chargesheet already stands filed. It is also stated that other accused persons have been granted bail and therefore, it is prayed that the applicant be released on bail.

6. *Per contra*, the learned APP for the State opposes the bail application, and argues that this is a case of online fraud in which the complainant has been cheated for an amount of about Rs.42,24,000/-. Out of the cheated amount, Rs.8,70,000/- were credited to the bank account maintained by the applicant with Punjab National Bank. It is argued that the applicant could be arrested in the present case only after NBWs were issued against him.

7. This Court has heard arguments addressed on behalf of both the parties and has perused the case file.

8. After going through the case file and the documents placed on record, this Court is of the opinion that in this case, the present applicant is in



judicial custody since 03.06.2004. Charges against the accused persons stand framed and undoubtedly, the trial will take some time to conclude. Nothing remains to be recovered from the present applicant. This Court's attention was also drawn to be fact that co-accused persons have now been granted bail.

9. Keeping in view all the facts and circumstances of the case and the fact that the applicant is in judicial custody for more than seven months, this Court is inclined to grant regular bail to the applicant, on his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i. The applicant shall provide his contact details and residential address to the concerned SHO/IO, as well as to the concerned Trial Court.
- ii. The applicant shall not leave the country without prior permission of the Trial Court.
- iii. The applicant shall not directly or indirectly make an attempt to contact the victim, or influence the witnesses or tamper with the evidence in any manner.
- iv. In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Trial Court and IO/SHO.
- v. The applicant shall appear regularly before the learned Trial Court.

10. Accordingly, the present bail application along with pending application stands disposed of.



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

SWARANA KANTA SHARMA, J

JANUARY 09, 2025/zp

Click here to check corrigendum, if any