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

+ **BAIL APPLN. 4353/2024**

ISHAQ YUNUS @ROBIN VAZ

.....Petitioner

Through: Mr. Wigar Ahmed, Mr. Shubham
Parashar, Mr. Himanshu Yadav and
Mr. Afnan Saleem, Advocates.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **15.01.2025**

1. The present application has been filed under Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023,¹ seeking grant of regular bail in FIR No. 429/2023 dated 07th August, 2023, registered at Police Station Vasant Kunj South, under Sections 419/420/468/471/120B/34 of Indian Penal Code, 1860.²

2. The case of the Prosecution, leading to the registration of the FIR, is summarised as follows:

2.1 The Complainant Company is engaged in the business of manpower recruitment for foreign countries, with its primary activity being the provision of personnel across various fields of work.

2.2 The Applicant approached the Complainant Company seeking assistance in sourcing recruits on a commission basis. It was mutually

¹ "BNSS"

² "IPC"



agreed that the Applicant would provide a list of required personnel, and in return, the Complainant would facilitate the recruitment process by selecting suitable candidates.

2.3 It was further agreed that the Applicant would send a representative to interview the selected candidates at the Complainant's office. Upon finalizing the selection of candidates, the Complainant would forward the necessary documentation to the Applicant for further processing and approval by relevant government authorities. All visa approvals were to be handled by the Applicant.

2.4 Subsequently, it was revealed that the Applicant had submitted forged documents concerning visa approvals, recruitment, and the travel arrangements for the candidates. The candidates approached the Complainant Company, asserting that their visa approval forms were invalid.

2.5 During the course of their transactions, the Complainant transferred INR 16 lakhs to the account provided by the Applicant and made cash payments totalling INR 41 lakhs on various occasions.

2.6 This prompted the Complainant Company to register an FIR, alleging that the Applicant, along with other persons, had fabricated documents related to visa approval and employment contracts, and had used them to induce the Complainant into making payments.

3. The Counsel for the Applicant submits that the chargesheet in the present case has been filed and the investigation has been concluded. The Applicant has been in custody since 16th July, 2024, and, therefore, he ought to be granted bail. It is further contended that no incriminating material has been recovered from the instance of the Applicant, and that he has been



falsely implicated in the matter. Additionally, Counsel points out that one of the co-accused, Akash Kumar, has already been granted bail by this Court, as per the order dated 9th October, 2024, passed in Bail Application No. 1189/2024.

4. On the other hand, the request for bail is strongly opposed by Mr. Amit Ahlawat, APP for the State. He submits that the material on record is sufficient to establish the Applicant's involvement in the present case. He further explains that the Applicant, along with the co-accused, has started multiple travel agencies under different names, operating on the basis of forged documents to generate substantial profits. They have been conducting interviews at various locations, fabricating visas and employment contracts, and booking air tickets which they later cancel, thereby deceiving innocent persons. The Applicant, in collusion with the other co-accused, has acted in conspiracy. Moreover, the Applicant has criminal antecedents, with previous involvement in similar offences, demonstrating a consistent pattern of conduct and the same *modus operandi*.

5. The Court has considered the submissions of the parties. At the outset, it is noted that the Court, while deciding an application for grant of bail, is not required to conduct a detailed examination of the evidence or hold a mini-trial. Rather, it is only required to assess only whether a *prima facie* case has been established by the Prosecution. In the instant case, the Applicant has been in custody for a period of around 6 months. The chargesheet has been filed and the investigation stands concluded. It is also noted that the co-accused, Mr. Akshay Kumar, at whose instance the recovery was made, has been granted bail by this Court. In contrast, no recovery has been effected at the instance of the Petitioner. As regards the



Applicant's criminal antecedents, it is pertinent to emphasize that such antecedents, by themselves, cannot serve as an adequate basis for denying the request for bail, as has been clarified by the Supreme Court in *Prabhakar Tewari v. State of U.P.*³

6. In light of the foregoing facts and circumstances, it is directed that the Applicant shall be released on regular bail on furnishing a personal bond in the sum of INR 50,000/- along with one surety of the like amount to the satisfaction of the concerned Trial Court, subject to the following conditions:

6.1 The Applicant will not leave the country without prior permission of the Trial Court.

6.2 The Applicant shall provide his permanent address to the Trial Court. He shall intimate the Court by way of an affidavit and to the IO regarding any change in his residential address.

6.3 The Applicant shall appear before the Court as and when the matter is taken up for hearing.

6.4 The Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, or tamper with the evidence of the case.

7. Needless to state, any observations concerning the merits of the case are solely for the purpose of deciding the question of grant of bail and shall not be construed as an expression of opinion on the merits of the case.

8. A copy of the order be sent to the Jail Superintendent for information and necessary compliance.

9. With the foregoing directions, the present application is disposed of.

³ (2020) 11 SCC 648.



Pending application(s), if any, are disposed of as infructuous.

SANJEEV NARULA, J

JANUARY 15, 2025

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