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

\+ BAIL APPLN. 4514/2024, CRL.M.A. 36909/2024

GOVIND SINGH .....Petitioner

Through: Ms. Prerna Mehta, Mr. Nishant Bishnoi, Ms. Srishti Prabhakar

versus

STATE NCT OF DELHI & ANR. .....Respondents

Through: Mr. Manoj Pant, APP for the State
ACP Virender kadyan EOW
SI Seema Devi

CORAM:
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

O R D E R

% **31.01.2025**

1. The present bail application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereafter *'BNSS'*) on behalf of the applicant seeking grant of bail to the applicant who is apprehending his arrest in connection with FIR No. 34/2024 registered at Police Station Economic Offences Wing (EOW), Delhi for the offences punishable under Sections 406/409/420/120-B of the Indian Penal Code, 1860 (hereafter *'IPC'*).

2. Briefly stated, the facts of the present case are that the FIR in this case came to be registered on the complaints filed by 25 victims on the allegations of cheating and fraud committed by the present accused. It was

alleged that the accused Govind Singh was running a firm in the name of M/s Tirupati Trading Company since August, 2023. He had represented himself to the complainants/victims that he will act as their agent and will supply their goods on commission basis to prospective buyers. On his assurance and misrepresentation, the complainants/victims had started supplying jeans to traders at the behest of the accused. However, in November-December, 2023, accused had placed an order to the complainants/victims, had obtained garments worth ₹5 Crores from the victims, located in Karol Bagh area, assuring them to pay the money at the earliest. After collecting the garments, he had closed his office and had switched off his mobile phones. Thereafter, the victims had come to know about the *modus operandi* adopted by the accused for cheating and committing criminal breach of trust. The victims had collectively filed complaints at P.S. Prasad Nagar. Based on the complaints received from 25 complainants, the present FIR was registered.

3. The learned counsel appearing for the present accused/applicant argues that the applicant has been falsely implicated in the present case, and he admits that the applicant has been working as a Commission Agent, who introduces the parties to the perspective buyers and is paid one per cent commission each from the parties. It is stated that he was not running any firm in the name of M/s Tirupati Trading Company since no document, receipts or bill, nor any GST registration number has been mentioned in the complaints to indicate that the firm in the said name existed in the name of the applicant. It is argued that the applicant is ready to join investigation, and therefore, he be granted anticipatory bail.

4. The learned APP for the State, on the other hand, argues that the

applicant is not cooperating with the investigating agency and though he was granted interim protection *vide* order dated 16.10.2024 but the anticipatory bail of the applicant had been dismissed by the learned ASJ *vide* order dated 21.10.204, since further investigation required his custodial interrogation. It is argued that a part of the goods received by the applicant from one of the shopkeepers was sold by him for which he had received payment through PhonePe and the evidence qua same is available on record. It is also found that the applicant was using many mobile phones for the purpose of interacting with the victims. Therefore, it is prayed that the present bail application be dismissed.

5. This Court has heard arguments addressed by learned counsel for the applicant and learned APP for the State, and has gone through the material on record.

6. Having heard arguments and perused the case file, this Court is of the opinion that the present case is a multi-victim case. As per the IO, who is present in the Court, 25 victims have filed the complaints of cheating and criminal breach of trust since the accused had obtained goods from them but had not paid the money by misrepresenting to them that he was the proprietor of M/s Tirupati Trading Company. Goods worth ₹5.5 crores were procured by him without payment of money. As per the IO, the evidence regarding a part payment received by him for buying some products from one of the victims is available with the investigating agency. The accused was also communicating with the victims through WhatsApp. As per statement of the complainant recorded under Section 161 of Cr.P.C., he had also sent a WhatsApp message to the complainant in August, 2023 regarding opening ceremony of his office in the name of M/s Tirupati Trading

Company. As per his statement, the accused also used to visit his shop with his other associates, used to place order with him after fixing the rate and also used to tell him through which transport agency the goods were to be sent and the destination to which the goods were to be sent. He has also mentioned in his complaint that he had given the goods to the accused trusting him, since he had given him photocopy of the bill after signing, which was stamped by M/s Tirupati Trading Company. The accused used to tell him that he will give original bill later since the original bill may be needed by the carrier of the goods. The complainant has also produced before the IO, the receipts of goods received by the accused in the sum of ₹12,39,630/-. The accused thereafter had closed his office, had switched off his mobile phones and had neither returned the goods to the complainants nor had given the money to them of the goods bought by him. The complainant has also alleged that the accused was to be paid three per cent commission on the total receipt of money after the goods were sold. The copies of the bills and the receipts have been seized by the police which bear the signatures of the accused.

7. In this Court's view, custodial interrogation of the accused is required to recover the stamps and bills of the M/s Tirupati Trading Company and also the trail of the goods, as to where they were sent and, in case the same have not been sent to any destination, the recovery of the goods worth ₹5.5 crores is also to be affected at the instance of the accused. The signatures on the bills are also to be verified as to whether they are actually signed by the accused herein, more so in the light of the fact that the learned counsel for the applicant states that the accused was neither the proprietor of M/s Tirupati Trading Company, nor had any office as alleged by the

complainants.

8. In view of the above, this Court finds no ground to grant ancitipatory bail to the applicant herein. Therefore, the present application for grant of anticipatory bail is dismissed.

9. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

10. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 31, 2025/ VLD

Click here to check corrigendum, if any