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

\+ BAIL APPLN. 4534/2024

V M MD DAWOOD .....Petitioner

Through: Mr. Mutiur Rehman, Mr. Nadeem Khan, Ms. Shaheen, Ms. Mehkish Khanam, Ms. Arshi and Mohd. Salman Saifi, Advocates.

versus

STATE NCT OF DELHI .....Respondent

Through: Mr. Amit Ahlawat, APP.
Mr. Asim Naeem, Ms. Subhani Shabahat, Ms. Humaira Khan and Ms. Cherry Gupta, Advocates for R-2.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **20.02.2025**

1. The Petitioner, through the present Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023[1](erstwhile Section 439 of the Code of Criminal Procedure, 1973), seeks regular bail in FIR No. 193/2022 dated 4th July, 2022 under Section 420/406/506/467/468/471/120B of the Indian Penal Code, 1860 registered at P.S. Chitranjan Park.

2. The case of the prosecution is as follows:

2.1. Mr. Surinder Sandha, the Complainant, sought a loan of Rs. 50-100 crores for his business needs. He was introduced to the Applicant *via* financial consultants through LinkedIn. The Applicant claimed to be the manager of a RBI-registered Non-banking Finance Company named Capital

[1] "BNSS"

Traders, which provides loans to MSMEs and SMEs. On 1st March, 2022, the complainant met with the Applicant, who introduced him to CFO Zaheer Hussain, CEO Y Kaamraj, and agents Vicky Dhurairajan, Suresh, and Aseem Faizal. During the meeting, the loan terms, disbursement process, and initial fees were discussed, and it was agreed that Vicky Dhurairajan would visit the complainant in Delhi on 5th March, 2022 to verify documents and collect an initial processing fee of Rs. 2 lakhs. As per the agreement, the complainant paid the fee by cheque to Vicky Dhurairajan. Subsequently, on 09th March 2022, he made a payment of Rs. 1.08 crore *via* DD No. 524208 (ICICI Bank) in Chennai, as an advance loan processing fee/advance interest. The Applicant assured him that a loan of Rs. 10 crores would be disbursed by the evening. However, citing the death of the chairman's father, the meeting ended abruptly, and no loan was provided. Consequently, the complainant filed a complaint, leading to the registration of the present FIR.

2.2. The investigation revealed that the complainant had in fact transferred a total of Rs. 1.10 crores into the account of Capital Traders. This amount included Rs. 2 lakhs deposited into the account of Capital Traders (operated by Y Kamaraj) and Rs. 1.08 crores transferred to another account, also under the name of Capital Traders (operated by Y Kamaraj). The money was further transferred into three accounts owned by Y Kamaraj and subsequently withdrawn in cash through cheques.

2.3. Y Kamaraj was arrested in Chennai on 7th April, 2024. He was taken taken into police custody for 9 days and further investigations revealed that the Applicant was part of a gang operating under different names, using the same *modus operandi*. Similar FIRs have been registered against this gang in Pune, Mumbai, Jamshedpur, Bangalore, Hyderabad and Delhi.

2.4. The Applicant was identified as Md. Dawood Khan residing at Chennai. Information regarding his arrest by the Chennai Crime Branch was obtained through newspaper reports, and the Applicant, who was recognized by the complainant from the news article, was subsequently arrested while in custody. Further investigation revealed that the property located at H. No. 136 Madina Manzil, Seashore Town, 4th Avenue, Panaiyur, Chennai, where the meeting with the complainant took place on 5th March 2022, was rented by the Applicant under a rental agreement. Additionally, the investigation led to the recovery of documents, including bank account details of Y Kaamraj and records related to the proprietorship firm of Capital Traders, found at the Applicant's residence.

2.5. The chargesheet was filed on 5th July, 2024 followed by a supplementary chargesheet on 23rd September, 2024 after the arrest of the Applicant. The investigation is ongoing and further findings will be reported through supplementary chargesheet.

3. Counsel for Applicant seeks bail on the following grounds:

3.1. The Applicant has been in custody in the present FIR since 25th July, 2024. The investigation stands complete and therefore no purpose will be served keeping the Applicant in custody.

3.2. It was Y Kamaraj and not the Applicant who defrauded the complainant. The complaint and the details of the FIR suggest that the money was transferred to the bank account of Capital Traders, the company operated by the main accused- Y Kamraaj. It is important to highlight that the Applicant is neither a director of this company nor a beneficiary of it.

3.3. The investigation has not revealed any financial transactions from the account of Y Kamaraj to the Applicant. The only material against the Applicant, as per the chargesheet, is the alleged disclosure of the co-accused and the fact that the Applicant had rented the property where the alleged meeting took place.

3.4. The Applicant has been falsely implicated in this case. The Investigating Officer appears to be targeting the Applicant and protecting the real culprit by wrongfully involving the Applicant. There is no *prima facie* evidence to implicate the Applicant.

3.5. The Applicant previously worked as a car driver for his former employer, the late Ashraf Ali, who owned a finance company allegedly involved in fraudulent activities. After Ashraf Ali's death, the Applicant left the company but associates of Ashraf Ali fraudulently used the Applicant's name to sign a rental agreement for a building without his knowledge or consent. Since the documentation related to the rental of the property bore forged signatures of the Applicant, he was not the actual lessee or tenant of the said property.

4. The request of bail is strongly opposed by Mr. Amit Ahlawat, APP for State as well as Mr. Asim Naeem, counsel for the Complainant. It is emphasized that the Applicant is part of a gang involved in defrauding innocent individuals. Currently, there are 22 cases against him nationwide, making the Applicant a significant flight risk. Additionally, it is submitted that the Applicant was identified on account of a newspaper report and he was otherwise evading arrest and had not appeared despite the issuance of notices.

5. The Court has carefully considered the aforementioned arguments. Although the investigation is complete against the Applicant and he may not

be required for further investigation, however, the facts noted above indicate that the Applicant is not only an accused in this particular case, but is also involved, along with other co-accused, in nearly 22 additional cases. While counsel for Applicant has explained that bail has been granted in 6 of these cases, the Court finds significant merit in the contention raised by Mr. Ahlawat that given the large number of cases pending against the Applicant, there is a substantial risk that he may flee if granted bail. Additionally, there is a likelihood that he may attempt to influence witnesses or tamper with evidence, which further strengthens the concern regarding his potential for flight and obstruction of justice. It is well established that the grant of bail is not an absolute right, and the Court must consider various factors, including the nature and gravity of the offense, the likelihood of the accused fleeing or tampering with evidence, and the stage of the proceedings. In this case, the Applicant is facing multiple charges across several jurisdictions, which suggests a pattern of criminal behaviour and increases the risk of his absconding. Additionally, proceedings under Section 82 of the CrPC has been initiated against the other accused, Hari Prasad@Aseem Faisal@Aditya, who is absconding and remains untraceable. While this does not preclude the Applicant from being granted bail, the likelihood of interference with the judicial process, especially in light of the absconding co-accused, remains significant. In light of the above, the Court does not find this to be a suitable case for granting bail at this stage.

6. Dismissed along with pending applications.

SANJEEV NARULA, J

FEBRUARY 20, 2025/as