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

\+ BAIL APPLN. 4544/2024

RAJ KUMAR .....Petitioner

Through: Mr. Mohammad Ali, Mr. Hakim Khan and Mr. Ashwini Kumar Gupta, Advocates.

versus

STATE NCT OF DELHI .....Respondent

Through: Mr. Sanjeev Sabharwal, APP for the State.
SI Sahil Gahlawat, PS Cyber Dwarka.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

O R D E R

% **06.02.2025**

1. This hearing has been done through hybrid mode.

2. The present application under Section 482 of the BNSS (Section 438 of the CrPC) has been filed seeking anticipatory bail in FIR No. 160/2023, under Section 420 of the IPC, registered at P.S. Cyber Police Station, Dwarka.

3. The case of the prosecution as per the status report dated 26.01.2025 authored b SHO, PS Cyber, Dwarka, New Delhi is as under: -

> "That, the above case was registered on 09.12.2023 on the complaint of Milan Rana in which he alleged that he was contacted through whatsapp for online part time job in which he was directed to complete some tasks on Telegram application provided by the fraudsters and duped the complainant with a total sum of Rs.3,30,000/- from the complainant.
> That, during the course of investigation, Notices were sent to bank officials to obtain the details of the beneficiary accounts in which the

cheated amount was transferred, further it revealed that the sum of Rs.33,000/- was credited in the applicant alleged Indusind Bank account no. 259468245408 Anchra Poultary Farm of Raj Kumar S/o Ram Swaroop R/o Village Niyamat Khan, Sirsa, Haryana.

That, further in the course of investigation search of accused person was made and a Notice U/s 41A CrPC was served to the accused/ the petitioner on 01.10.2024 to join the investigation of case by 09.10.2024. But the accused/ the petitioner did not join the investigation of the case as per scheduled date and time.

That, the anticipatory bail application of the accused/ the petitioner was dismissed by the Hon'ble Sessions court, Dwarka, New Delhi on 23.1024.

That, the accused/ the petitioner got interim protection from Hon'ble High Court on 23.12.2024 and he was directed to join the investigation and co-operate in the investigation. As per the orders of Hon'ble Court, on **24.01.2025**, the accused/ the petitioner joined the investigation and during his sustained interrogation, his interrogation report was prepared but he did not co-operate in the investigation.

That, it is also pertinent to mention here that the alleged beneficiary Indusind Bank account no. 259468245408, which belong to the accused / the petitioner is involved in **87 NCRP Portal cyber complaints** from more than **20 states** and after analyzing his bank statement, It has been revealed that total cheated amount of Rs. 2.5 Cr. was credited in his bank account.

That, it is requested that the anticipatory bail application of the accused/ the petitioner Raj Kumar is highly opposed on the following grounds-:

1. To unearth the whole nexus behind the present cyber offence
2. To trace and arrest the co- accused persons involved in the whole cheating nexus.
3. To recover the cheated amount of Rs. 3,30,000/-.
4. The accused/applicant is not co-operating in the investigation which is reflected in Interrogation Report. Thus, Granting of anticipatory bail to the accused/the petitioner Raj Kumar has abruptly halted the process of investigation and his police custody is required to unearth the source of cheating nexus."

4. Learned counsel appearing on behalf of the applicant submits that the account, which is referred to in the status report, was misused by different people. It is further pointed out that the applicant is running a poultry farm business which has been verified by the Investigating Officer. It is further

submitted that the applicant is willing to join the investigation as and when directed by the Investigating Officer.

5. Learned APP for the State, on instructions from the Investigating Officer, submits that the present applicant had hatched a deep rooted conspiracy, whereby an amount of Rs. 1.42 Crores have been deposited in the account of the present applicant. It is further noted that the applicant's account is also involved in 87 NCRP Portal cyber complaints across more than 20 states. He further submitted that the applicant was not cooperating during the investigation in pursuance of the interim order granted by this Court. Learned APP for the State has pointed out that though the amount siphoned off in the status report has been stated to be Rs. 2.5 Crores, however, the same is Rs. 1.42 Crores as noted hereinabove.

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

7. On a pointed query from the learned counsel for the applicant as to whether the latter is income-tax payee, it is stated that he is not. The amount of Rs. 1.42 crores has been deposited in his account.

8. *Prima facie,* the aforesaid circumstances show that his account was being used for deposit of money from various victims as stated in the status report. The present case involves a deep-rooted conspiracy which requires custodial interrogation of the present applicant.

9. In view thereof, no grounds for anticipatory bail are made out. The present application is dismissed and disposed of accordingly.

10. Interim protection granted *vide* order dated 23.12.2024 stands withdrawn.

11. Needless to state that, nothing stated hereinabove, is an opinion on the merits of the present case and observations made herein, are only for the

purpose of the present bail application.

12. Pending application(s), if any, also stand disposed of.

13. Order be uploaded on the website of the Court *forthwith*.

AMIT SHARMA, J

FEBRUARY 06, 2025/*sn*

Click here to check corrigendum, if any