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

+ **BAIL APPLN. 4660/2024**

MOHIT KUMAR

.....Petitioner

Through: Mr. Sanjeev Panda, Adv.

versus

STATE NCT OF DELHI

.....Respondent

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

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

% **16.01.2025**

CRL.M.A. 4660/2024

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

BAIL APPLN. 4794/2024 & CRL.M.A. 39110/2024

1. The present bail 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. 167/2024 dated 15.03.2024, registered at Police Station Burari, Delhi for offences under Sections 419/420/120B of the Indian Penal Code, 1860 ('IPC') and Section 66(D) of the Information Technology Act, 2000 ('IT Act').
2. As per the Status Report, the present FIR was registered 15.03.2024 on receipt of secret information that a call centre was being run illegally to dupe innocent people on the pretext of providing a job in HDFC Bank



through 'Naukri.com'. The informer had pointed out the place / building from where the call centre was being run. On entering the premises, it is alleged that the accused persons, who were present in the premises, had accepted that they make calls to people for providing them jobs in HDFC Bank through Naukri.com and they collect money from them. It is alleged that the applicant had made a fake Aadhar card in the name of 'Kshitij Dixit', having a photograph of the applicant, and entered into a rent agreement with the landlord of the premises from where the alleged fake call center was operating and even the rent agreement for the said place was in the name of applicant/accused i.e. Mohit. It is alleged that different bank accounts in several banks namely Indian Bank, Punjab National Bank, Canara Bank were also allegedly opened by the applicant and other accused persons for the said purpose. The applicant was arrested on 16.03.2024 and has been in custody since then. After the investigation, the chargesheet was filed against the applicant for the offences under Sections 419/420/468/471/120B of the IPC and Section 66D of the IT Act.

3. The learned counsel for the present accused/applicant submits that the applicant has been falsely implicated in the present case and he has no prior antecedents. It is further argued that the investigation is complete and the chargesheet has been filed and the case is based on documentary evidence and no purpose would be served by keeping the applicant in custody. It is also stated that the applicant has a minor son, a widowed mother, and an unmarried sister, and he is the sole breadwinner for the family, responsible for their care and support.

4. The learned APP for State, on the other hand, opposes the grant of any relief to the applicant, contending that, the applicant is accused of



defrauding multiple victims, and that the alleged offence is of a grave and serious nature. It is further stated that multiple victims, namely Bhupender, Suryavanshi, Saumya Ranjan Naik etc. had filed a complaint in this regard. During the search, 10 mobile phones, 13 SIM Cards, notebooks, diaries and laptops were recovered from the accused persons. The learned APP submits that in view of these facts and circumstances, the applicant is not entitled to grant of bail.

5. This Court has heard arguments addressed on behalf of both the parties and has perused the material available on record.

6. It is settled law that in considering an application for bail, the Court is required to examine several key factors including whether a prima facie case exists or there are reasonable grounds to believe that the applicant has committed the alleged offence; the nature and gravity of the accusation, the severity of the punishment that the applicant may face if convicted; the likelihood of the applicant absconding or evading the process of law, should bail be granted; the potential risk to witnesses, including the possibility of their being threatened or influenced by the applicant; etc. Additionally, the Court has to also consider the period of incarceration already undergone by the accused.

7. In the present case, the applicant has been in custody for almost about 10 months. At the outset, this Court notes that co-accused Puneet Kumar has already been granted regular bail by the Co-ordinate Bench *vide* order dated 24.12.2024.

8. The evidence in this case is primarily documentary, and charge-sheet against the accused stands filed. The involvement of the applicant in the offence i.e. the allegations against him and the contentions/defence raised by



him will be adjudicated during the course of the trial. However, it is important to note that, considering the number of victims in this case, the trial is expected to take a considerable amount of time to reach its conclusion. According to the prosecution's own case, they are still in the process of identifying additional victims.

9. Considering that the applicant has been in custody for the past ten months, and that one of the co-accused has already been granted bail in the present matter, this Court is inclined to allow the present bail application.

10. In view of the aforesaid, the applicant is directed to be released on bail on furnishing a personal bond for a sum of ₹50,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court/ Duty MM/ Link MM, on the following conditions:

- i. The applicant shall cooperate in any further investigation as and when directed by the concerned IO;
- ii. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- iii. The applicant shall under no circumstance leave the country without the permission of the learned Trial Court;
- iv. The applicant shall appear before the learned Trial Court as and when directed;
- v. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- vi. The applicant shall, upon his release, give his mobile number to



the concerned IO/SHO and shall keep his mobile phone switched on at all times.

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 16, 2025/PS

[Click here to check corrigendum, if any](#)