IN THE COURT OF SH.SHAILENDER MALIK, SPECIAL JUDGE (PC ACT), CBI-21: ROUSE AVENUE COURT COMPLEX, NEW DELHI

CBI vs. Manjoor Alam and Ors.
No. RC.7(S)/2024-CBI/SC-I/NEW DELHI
CBI No.144/2024

O R D E R

IA No.11/2025 (Bail Application of A-4 Sahil)

1. This is second bail application of accused Sahil seeking regular bail.

Facts:

2. Before discussing the grounds taken in the bail application, precise reference of facts of the present matter are that the CBI registered the FIR on the basis of information regarding an international network of human traffickers, involved in trafficking Indian nationals to South East Asian Countries such as Laos, Cambodia, Myanmar etc. The modus operandi adopted was that any victim would first be offered a lucrative job in country like Thailand, Dubai, etc. and when the victim reached at the predestined country, victims would be further illegally trafficked/ transported to those South East Asian countries and they are forced to work as cyber criminals under the threat of Chinese controlled cyber crime centres. As per the facts of this case victim Saddam Ibrahim Sheikh was contacted by accused Akhil @ Ashish (A-5) and one Sunny, who are employees of M/s Ali International Services and was offered a job in

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Thailand as a computer operator in a casino. On 28.01.2024 victim Saddam Ibrahim Sheikh visited the office of M/s Ali International Services where accused/applicant (A-4) Sahil took the original passport of complainant. As per the complainant he made payment of total amount of Rs.1,40,000/- to accused/applicant Sahil as well as Ashish @ Akhil in five installments. All the payments were deliberately taken in cash. Out of that amount, first installment of Rs.15,000/- were handed over to applicant/ accused Sahil. That payment was taken ostensibly for documentation, visa work etc.

3. It is also alleged that later victim was instructed to reach to Kolkata airport on 10.02.2024 where he met with A-2 Firoz Ahmad who returned original passport to the complainant and further gave 15000 Thai Baht and provided contact number of one Haider Zaidi @ Kamran Haider. A-2 further told complainant/victim that said Haider Zaidi would meet him at Thailand airport and directed complainant to hand over 15000 Thai Baht to said Haider Zaidi. It is in the allegations that when complainant/victim reached at Don Muang Airport, Thailand, said accused Haider Zaidi met with the complainant and asked him to hand over 15000 Baht. From Don Muang Airport Thailand said Haider Zaidi took the complainant to immigration Thailand and were made to stay there for one night and later on 12.02.2024, complainant was illegally transported to Laos.

Grounds in the Bail Application

4. It is mentioned that the fresh ground for moving the bail application since the dismissal of earlier bail application is the fact that the

accused/applicant has been languishing in judicial custody for period of more than 337 days and the fact that charges have already been framed. It is further mentioned in the application that IO has filed another supplementary charge sheet, which further delayed the trial. It is stated that applicant was placed as an employee in Ali International Services and there is no evidence of him being partner in that firm. It is stated that all the allegations against the accused/applicant are on the basis of bald statements of complainants and there being no corroborative supporting documentary evidence in respect of material allegations against the accused. It is stated that investigation qua accused/applicant has already been over.

Reply of CBI

5. In reply CBI has taken the objection that bail application of the accused has once been rejected, moreover there is sufficient cogent evidence against the accused and serious allegations, which is one of the factor to be taken into consideration at the time of considering the bail in the light of judgment of Apex Court in **Anil Kumar vs. State of NCT** (2018) 12 SCC 129. it is further mentioned in the reply of the CBI that one of the victim Saddam Ibrahim Sheikh has specifically stated that it is applicant Sahil (A-4) who was employee of Ali @ Guddu Bhai and PW1 says that he was offered salary of Rs.60,000/- to Rs.70,000/- at Thailand. It is applicant/accused Sahil who made the commitment that A-1's brother namely Firoz (A-2), would meet him with passport at Kolkata Airport and would provide 15000 Baht. It is stated in the reply that accused/ applicant

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has received Rs.15,000/- from the victim. It is mentioned that bail application of accused Manjoor Alam has already been declined by Hon'ble High Court vide order dated 17.02.2025, specifically noting in the order that there are serious allegations of human trafficking.

Analysis and Conclusion

6. Having considered the submissions and going through the record, first of all on the question of maintainability of second bail application. No doubt present is the second bail application of the accused. First bail application having been already dismissed vide order dated 23.01.2025, it does not mean that second bail application cannot be maintained. Second bail application can be moved if there is fresh ground then the grounds on which earlier bail application was dismissed. It has been laid down by the superior courts that continuous period of incarceration, in itself amounts to the fresh ground for maintaining successive bail applications. Sh.Vishal Dabas, ld. Counsel for the accused submits that as per the instructions of his client, no bail application has ever been made in Hon'ble High Court or withdrawn. It is submitted that question of charge has already been decided and trial is likely to take long time.

7. Such submissions of ld. Counsel made at bar, convinced this court that second bail application is certainly maintainable. Let us now examine the bail application on merits.

8. It is argued by ld. Counsel for the accused that although the first bail application was also dismissed on merits, however certain aspects

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were not brought to the notice of the court that as per the allegations, one of the victim gave Rs.15,000/- in cash to the accused/applicant. In the same manner said victim had also paid money to other co-accused namely Firoz, Khursheed, who were never arrested during the investigation. It is submitted that other employees of M/s Ali International namely Ashish and Sunny have either been not summoned or discharged. It is argued that one of the employee namely Babita who had also received the money from the victim, has been made witness in the present case. It is submitted that accused is in incarceration for more than one year and no more required in the investigation.

9. Ld. PP for the CBI argued that there are serious allegations against the accused and specific evidence against the applicant/accused which are distinguishable qua other accused persons.

10. Having examined the facts, this court has already decided the question of charge vide order dated 30.04.2025. However to examine the submissions made by the counsel, following facts and evidence against applicant/accused are required to be noted :

(i) That one of the victim Saddam Ibrahim Sheikh has stated that his passport was obtained by applicant/accused Sahil.

(ii) On 28.01.2024 a sum of Rs.15,000/- was taken by applicant/accused in cash from victim Saddam Sheikh.

(iii) Applicant/accused was having knowledge that M/s Ali International Services is being used for human trafficking, when

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he joined it and therefore the mobile no.93150-68820, provided by A-1 was not in his name.

(iv) Victim Saddam Sheikh was directed by applicant/accused to pay Rs.35,000/- via UPI in the account of Steppe Travel Private Limited, whereas there was no business relation of Ali International with Steppe Travel Private Limited.

(v) Victim Saddam Ibrahim Sheikh stated in his statement that accused/ applicant made commitment that A-1's brother namely Firoz (A-2) would meet him with his passport in original at Kolkata airport and would give him 15000 Thai Baht at the time of departure. As per that victim he transferred sum of Rs.20,000/- and Rs.35,000/- in the account of Sahil (A-4) by UPI on 02.02.2024 and 07.02.2024.

(vi) Another victim of human trafficking namely Mukesh Pal has also stated in his statement that it is accused/applicant Sahil who had taken his passport in original.

(vii) PW3 Ms. Monika who joined Ali International, after her selection as Telecaller, stated that A-1 Manjoor Alam and applicant/accused Sahil prepared fake ID in the name of girls including her name. Similarly witness PW4 has stated that she was offered by applicant/accused job at Ali International with enhanced salary.

11. It is evident from the above facts, evidence that case of applicant/accused was different than the case of co-accused Firoz and

Khursheed. Rather it came in the statement of witness Babita that she received Rs.20,000/- and she was instructed to transfer it the same in the account of another. In such circumstances the argument of ld. Counsel for the accused/applicant that certain aspects were not taken into consideration when the first bail application was dismissed, is not factually correct. Above noted circumstances/evidence clearly distinguish the case of the applicant/accused than of others.

12. Ld. Counsel for the accused has relied upon the judgment of Apex Court in **Prabhakar Tiwari vs. State of UP** MANU/SC/0085/2020 as well as judgment of Delhi High Court in **Mumtaz vs. State of NCT** (in bail application no.3165/2022 decided on 28.12.2022), in para 14 and 15 wherein while relying upon above mentioned judgment of Supreme Court, it was laid down that mere pendency of several criminal cases and gravity of allegations cannot itself be a basis for refusal of bail.

13. Having considered such submissions, there cannot be a denial to well established legal proposition to the effect that mere fact that there are other cases against the accused and serious allegations, *ipso facto* cannot be a reason for deny the relief of bail. However it is not even denial that the serious nature of the allegations and repeated commission of similar offence, is one of the factor among others to be taken into consideration while exercising the judicial discretion of grant of bail. In the judgment of **Prabhakar Tiwari's** case (supra), Hon'ble Apex Court was examining the question of cancellation of bail granted by the High Court. In the facts of that case, in para 7 Hon'ble Apex Court has taken note of

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the fact that one of the co-accused on similar footing namely Vikram Singh was granted bail by High Court, therefore it was held that there was no reason for cancellation of bail.

14. Such is not the situation in the facts of the present wherein accused/applicant has been actively involved in human trafficking not only in this case but in another case of similar nature. The order of Hon'ble High Court in **Mumtaz's** case (supra), is also distinguishable when in para 11 it was noted that co-accused on similar footing has already been granted bail. Such is not the situation. Other co-accused as referred to in the arguments of ld. Counsel for the accused have different footing, allegation/ evidence against them. The basic case of the prosecution is that it is A-1 Manjoor Alam as well as applicant/accused Sahil who was actively involved in alluring people for sending them abroad ostensibly on the promise of lucrative jobs and thereafter transporting them to some other destinations. A-1 in this case has also not been granted bail even by the orders of Hon'ble High Court.

15. So far as the argument of accused being in continuous incarceration, it is certainly a factor to be taken into consideration. However taking into consideration that applicant/accused has been involved in another case being investigated by NIA for offence of human trafficking, serious nature of the offence and specific allegations against the applicant/accused, does not warrant grant of bail. Having so concluded keeping in view the continuous judicial custody of the accused, it is directed that since the charge in this case has already been framed and

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proceedings delayed on account of another supplementary charge sheet filed by the CBI. It is directed that now the trial in the matter would be time bound. After deciding the question of charge as against another accused charge sheeted by way of supplementary charge sheet, the trial in the matter would be taken as far as possible on day to day basis. Thus for the reasons discussed above, bail application stands declined.

IA No.12/2025 (Bail Application of A-1 Manjoor Alam)

16. This is second bail application of accused no.1 Manjoor Alam. The first bail application of the accused was declined on 21.11.2024. It is matter of record that thereafter regular bail application of the accused was declined by Hon'ble High Court vide order dated 17.02.2025. Thereafter again interim bail was sought by the accused on medical grounds, same stood declined again by the Hon'ble High Court by order dated 13.06.2025.

Grounds

17. It is mentioned in the application that accused has been in judicial custody for more than one year and in the meantime subsequent to filing of supplementary charge sheet this court has already framed the charges vide order dated 30.04.2025. It is stated that allegations against the accused are without any evidence. Moreover taking the facts, evidence on the face of it no offence of cheating is made out because accused was not incharge of second floor of office of Ali International where from Telecallers were operated. It is stated that except the statement of

witnesses there is no supporting/corroborating evidence. Even as per prosecution case accused did not allure any victim and did not contact any of them, no payment has been received by the accused/applicant. As such there has not been any intention to cheat anyone since inception. It is stated that even offence of trafficking u/s 370 IPC is also not made out as there is no evidence of exploitation or keeping anyone under threat or force or coercion.

18. It is stated that even when regular bail application of the accused was declined by Hon'ble High Court vide order dated 17.02.2025, in para 12 to 17 of that order, it is reflected that at that stage bail was declined as investigation was not over. Moreover question of charge was not yet decided. It is submitted that now the question of charge has already been framed and trial is likely to take long time.

Reply by CBI

19. Ld. PP for the CBI on the other hand opposed the application on the ground that there are serious allegations against the accused who has been a kingpin of the entire scam of human trafficking being owner of the firm Ali International. It is further argued that bail application of the accused has been declined even by the High Court on two occasions.

Analysis and conclusion

20. Having considered the submissions, it is matter of record that Hon'ble High Court after examining the entire facts, evidence declined the bail application on merits by making following observation :

> "*In the present case, the allegations against the petitioner are of a serious nature and chargesheet has been filed under Sections*

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120B/420/370 of IPC. I am informed that there is another FIR registered by NIA against the petitioner on account of indulging in human trafficking, and hence, this is not the only case registered against the petitioner for human trafficking.

The entire network is yet to be unearthed and the investigation of the CBI and other cases of human trafficking with intention to commit cyber-crimes by Chinese controlled companies are yet to be investigated.

The submission of Mr Venkatraman, learned counsel for the petitioner that M/s Ali International Services is a tenant of the petitioner cannot be accepted at this stage as the petitioner has not substantiated the said argument as neither there is lease deed nor the bank entries showing the amount/rent credited to the account of the petitioner.

Lastly and most importantly, all the arguments raised by the learned counsel for the petitioner today are available to the petitioner at the time of framing of charges."

21. Ld. Counsel submits that in view of the observation it is evident that relief of bail was not given at that stage when investigation was going on and question of charge was not yet decided, whereas now at this stage even in view of the observation as given by the High Court, this court can certainly take into consideration the question of bail afresh.

22. No doubt succeeding bail application can be moved even when the earlier bail applications have been declined. However as noted above there should be some fresh grounds for the same. Continuous incarceration is not doubt is one of the factor, however this in itself cannot be a reason to grant the bail if the allegations are serious. Hon'ble High Court in its order dated 17.02.2025 as noted above has taken the view after examining entire facts and evidence that there are serious allegations. Not

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only that even subsequent thereto when applicant/accused sought interim bail on medical grounds (Bail Appl. No.1897/2025), same also stood declined vide order dated 13.06.2025, in that order Hon'ble High Court noted that applicant/accused is being given proper medical treatment and also noted that "*...offence involved in the matter was of human trafficking, which is quite serious and applicant having a travel agency, would pose a further flight risk….*".

23. As such when the relief of bail has been declined by Hon'ble High Court on two occasions after examining entire facts and circumstances, one being after the question of charge being decided. Therefore keeping in view serious allegations and the evidence against the accused of human trafficking, no case is made out for grant of bail. Application accordingly stands dismissed.

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Announced in the open Court
on 04.09.2025

(Shailender Malik)
Spl. Judge (PC Act) CBI-21
RACC/New Delhi