State v. Vikrant Babbar
FIR No:- 213/2020,
P.S. Special Cell
U/S:- 419/420/120-B IPC

21.09.2020

Vide order nos.5837-5927/D&SJ/NDD/2020 dt. 30.05.2020 & 5931-6021/D&SJ/NDD/2020 dated 01.06.2020 of Ld. District & Sessions Judge, Patiala House Court, New Delhi District, New Delhi, the undersigned has been deputed for duty today in pursuance to the directions of Hon'ble High Court of Delhi vide order no.R-1347/DHC/2020 dated 29.05.2020 and in continuation of the previous office order nos.4243-4333/D&SJ/NDD/2020 dated 01.04.2020, 4407-4426/D&SJ/NDD/2020 dated 10.04.2020, 4518-4608/D&SJ/NDD/2020 dated 15.04.2020, 5111-5200/D&SJ/NDD/2020 dated 03.05.2020, 6364-6454/D&SJ/NDD/2020 dated 16.05.2020, 6326-6415/D& SJ/NDD/2020 dated 15.06.2020 to combat the pandemic of COVID 19 and vide order no. 1944-1976/DHC/2020 dated 30.07.2020,323-355/RG/DHC/2020 dated 15.08.2020, 419-451/RG/DHC/2020 dated 27.08.2020 of the Hon'ble High Court of Delhi to combat the pandemic of Covid-19.

Present: Sh. Irfan Ahmed, Ld. Addl. PP for the State.
Ms. Preeti Singh, Ld. Counsel for applicant/accused

Proceedings done through video conferencing.

It is certified that link was working properly and no grievance was agitated by either of the counsel in this regard.

Present is an application moved on behalf of applicant/accused for grant of bail. It is submitted that applicant/accused has been falsely implicated in the present as he has nothing to do in the present offence and languishing in j.c. since 25.08.2020. It is submitted that he has clean antecedents and has never been convicted in any case. It is submitted that the applicant has no knowledge of the alleged offences and his alleged involvement is very superficial. It is further submitted that the applicant/accused had never been in touch with the complainant or the accused persons. It is submitted that nothing is to be recovered or investigated in the present matter from the applicant/accused and all evidence in the present matter is documentary in nature and are in the possession of the IO, so, there are no chances of tempering with the evidence. It is submitted that investigation qua the applicant/accused is complete, hence, no fruitful purpose would be served by keeping him behind the bars.

In support of his submissions, Ld. counsel has placed reliance upon the judgment in the matter of G. Sagar Suri Vs. State of U.P. 2000(2) SCC 636, Nilesh Lalit Parekh Vs. State of Gujarat 2003 Cri.L.J. 1018, M/s I.O.C Vs. M/s. NEPC India Ltd. Criminal Appeal No. 834 of 2002 (SC) (D.O.D 20.07.2006, Kartongen Kemioch Forvalting AB Vs. St. Through C.B.I.-109 (2004) DLT 652, Anil Mahajan Vs. Commissioner of Custom 2000 (2) JCC (Del) 302, Court on its Own Motion Vs. State (NCT of Delhi) 2004(1) JCC 308(Delhi), Meninolopes Versus State of Goa, 1955 (3) Crimes 386 and Police Commissioner Delhi Vs Registrar Delhi High Court, AIR 1997 SC 95.

Ld. Addl. PP has vehemently opposed the bail application arguing that a complaint was received in the Cypad alleging therein that in March, 2020, complainant received a friendship request on Facebook from a lady named Ms Ellie Jack, Purchase Manager of Astrazeneca Company, UK. She offered for purchase of Tamacitol B1 herbal liquid from India and gave contact number of one lady named Varsha Sharma (Rajini Sharma) from Nagaland having Mobile Number 9599735085 and 7627954363. It is submitted that in April, 2020, complainant received 5 litre as sample from the said Varsha Sharma (Rajini Sharma) at Delhi and thereafter, he agreed for delivery of 1000 litre to Astrazeneca, UK. It is submitted that later on said Varsha Sharma demanded 3000 litres and lastly 6000 litres supply to Astrazeneca, UK. She further told him that Wilfred Kat and Ellie Jack (Purchase Manager) are coming from UK to take delivery in Delhi, as per the email received by her from Dr Richmond Nelson, General Manager, Astrazeneca Pharmaceutical Company, UK. The complainant transferred Rs 1.5 Crores as advance in the account of Rajesh Sharma having accounts in SBI, Vikaspuri Branch South Indian Bank, Paschim Vihar branch for purchase of Tamacitol B1 herbal liquid. It is submitted that the complainant was informed that arrival of above said two persons from UK was extended till 13.06.2020 and on verification from Astrazeneca, complainant found that all the messages and emails received by him were fake. It is submitted that during the course of investigation and technical surveillance, on 25.08.2020, applicant/accused Vikrant Babbar and co-accused Rinku were arrested from Bank of Baroda, Paschim Vihar premises and two carry bags were recovered from their possessions which were found to contain multiples ATM cards, passbook, cheques books and mobile phones and were all in different names and addresses. It is submitted that co-accused Chandan @ Rajesh Sharma has also been arrested at the instance of accused persons, who is account holder in more than 20 different banks in which the cheated amount was deposited. Cheque book and passbooks of the bank accounts used in the present offence alongwith Aadhar card, PAN Card, Voter I card were also recovered from the possession of accused Chandan @ Rajesh Sharma. The Cheque book and passbook of the bank accounts used in the cheating of the present case were also recovered from the possession of accused Chandan @ Rajesh Sharma. One Adhaar Card and PAN Card in the name of Rajesh Sharma and one election Id card in the name of Chander were recovered from the possession of accused Chandan @ Rajesh Sharma, for which section 468/471 IPC has also been added in the present case. It is submitted that custodial interrogation of applicant/accused is required to unearth the whole conspiracy as other accused persons are yet to be arrested. It is submitted that from the possession of applicant/accused Vikrant Babbar , two mobile phones have been recovered which were used in the bank account of Rajesh Sharma @ Chandan and one another phone was also recovered which he is used while calling John and eight debit cards in the name of Rajesh Sharma have also been recovered from the possession of applicant/accused Vikrant Babbar.

Heard.

In the instant matter, the accused alongwith his associates duped the complainant by adroitly planing a sinister scheme and cheated the complainant for around a sum of rupees Rs.1.5 crores by deftly executing his scheme. The allegations are serious in nature. Hence, considering the seriousness of allegations, the modus operandi and the fact that the investigation is at an initial stage, I am not inclined to release the applicant/accused on bail. His bail application stands rejected.

Application is disposed off accordingly.

(Dharmender Rana)
ASJ-02/NDD/PHC/ND
21.09.2020