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

Sourav Gill vs. CBI
Bail Matters 02/2026

FIR No. RC-2312025S0005
PS : CBI/IOD/New Delhi

O R D E R

1. This is second application moved by accused/applicant Sourav Gill seeking anticipatory bail. First anticipatory bail application of the accused/applicant was dismissed as withdrawn vide order dated 16.12.2025.

Facts

2. Facts necessary for disposal of present bail application are that on the basis of source information, FIR/RC of the present case was registered at International Operation Division of CBI on 18.08.2025 for offence u/s 61 r/w 318, 336, 338, 339 and 340 of BNS 2023 as well as u/s 66D of I.T. Act 2000 against accused persons namely Jigar Ahmad, Himanshu Jain, Prakash Kaushal, Saurabh Gill and others. It is alleged that accused Jigar Ahmad, Himanshu Jain, Prakash Kaushal, Saurabh Gill, Akshay Mahajan etc. in criminal conspiracy with each other as well as with certain unknown persons have been operating a network of trans-national cyber enabled financial crime by way of running illegal call centre at New Delhi, Punjab and other parts of India since 2023 and targeting US citizens online under pseudonymous identities and subjecting them with

SHELENDER MALIK Digitally signed by SHELENDER MALIK Date: 2026.01.13 15:39:20 +0530 tech fraud/impersonation fraud/theft. It is alleged that US citizens were being targeted online, through pop up messages blocking their computer screens and displaying a number to be contacted for resolution. When victims contacted on given numbers, accused persons under pseudonymous identities of officers of IRS, SSA, FBI and other agencies falsely informed victims that their bank accounts have been compromised, as a result of identity theft and their retirement and investment accounts held at different financial institutions were prone to risk. Such victims were required to carry out verification of their bank accounts else they would risk losing their funds. Accused persons induced the victims to liquidate their accounts and transfer their financial assets.

3. It is further alleged that accused persons would secure the remote access of computer system of the victims through remote access apps like "Ultraviewer" and "AnyViewer" and then induced the US national victims that they would withdrew money from their accounts and transfer the same to unchained accounts or deposited the same in the form of crypto currencies, BTC or in crypto accounts provided by the accused. In this way accused persons have defrauded the US victims to the tune of 40 million US Dollars including two named US victims. It is also alleged that US victims had been contacted online by virtual telephone numbers 855-518-3497, 425-606-3122, 425-954-8632,, 425-331-5263, 530-746-8609 and 714-364-3370 as well as IP addresses 110.235.217.11, 110.235.217.40, 110.235.217.41, 103.106.30.55, 160.202.38.61, 146.196.33.6, 106.219.155.203, 106.221.109.195, 223.233.83.38,

223.233.83.162, 103.72.170.243, 103.72.170.244, 112.196.93.109 and 112.196.93.107. Certain IP addresses 110.235.217.11, 110.235.217.40, 110.235.217.41, 103.106.30.55, 160.202.38.61, 146.196.33.6, 106.219.155.203, 106.221.109.195, 223.233.83.38, 223.233.83.162 were assigned by the Indian service providers and were operational from New Delhi during the relevant period. It is mentioned that the IP addresses 103.72.170.243, 103.72.170.244, 112.196.93.109 and 112.196.93.107 were assigned by Indian service providers in favour of M/s Digikaps the Future of Digital, a proprietary concern of accused Saurav Gill and internet lease lines against these IP addresses are installed at Global Tower, Opp. Khalsa College of Women, GT Road, Amritsar, Punjab since 13.03.2023.

4. After the registration of the present case searches were conducted at the premises of M/s Digikaps the Future of Digital at Amritsar and during the search 34 accused persons were found working in that illegal call centre and different digital devices were seized during search. Accused however is not among those who are arrested from said call centre. It is alleged that fake documents impersonating as officers of Federal Trade Commission, USA was prepared to induce US victims on the basis of such fake/false documents and thereby those victims were induced to liquidate a portion of his stocks from Charles Schwabe into cash and deposited the same at Bank of America and JP Morgan Chase.

Facts against accused/applicant Sourav Gill

5. As per the reply of IO Insp. Gaurav Malik, it is stated that applicant/accused in conspiracy with other accused persons played key

role in setting up of illegal call centre and was involved in day to day operations of same. It is stated that during investigation documents related to installation of internet lease lines at the said illegal call centre were collected which revealed that the same were installed in the premises under the name of M/s Digikaps the Future of Digital, which is proprietary concern of accused/applicant. It also revealed in the investigation that immediately after busting of said illegal call centre, accused/applicant and his wife fled from their house and switched off his mobile phone to evade his whereabouts. Since accused/applicant was not found at his native place too, as such notice dated 26.08.2025 was sent to his email ID and notices dated 29.08.2025, 06.09.2025 were served through brother of applicant asking the applicant to join the investigation, however he deliberated avoid his presence and did not join the investigation.

6. It is further mentioned in para 8 of the reply of CBI that IP address no.103.72.170.243, 103.72.170.244, 112.196.93.109 and 112.196.93.107 was assigned in favour of M/s Digikap the Future of Digital, which is a proprietary concern of applicant/accused Sourav Gill and internet lease lines against these IP addresses were installed at Global Tower, GT Road, Amritsar since 13.03.2023. It is further mentioned in the reply that the custodial interrogation of the accused is required as the flow of proceeds of crime, which was routed through crypto currency, is to be ascertained and the call centre where from cyber crime was committed was in the name of applicant/accused.

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Grounds of bail of accused Sourav Gill

7. It is stated in the bail application that accused/applicant is young married person of 33 years and was born and brought up in Amritsar and has no criminal antecedents. It is stated that applicant is educated upto 12th and someone known to him suggested that there is a very good scope in the business of cyber cafe. Accordingly in the beginning of 2023 applicant took a premises on rent and started a cyber cafe under the name and style of M/s Digicaps and Future of Digital as proprietor near Khalsa College Women, GT Road, Amritsar, Punjab. It is stated that applicant hired one Gurmail Singh for the purposes of running and operation of above said cyber cafe on oral contract and Gurmail Singh was required to pay Rs.50,000/- per week to the applicant. It is stated that said cyber cafe was in full control of Gurmail Singh and applicant was having no knowledge about the operation of said cyber cafe.

8. It is stated that on 30.08.2025, 2/3 CBI officials came at the residence of applicant and gave a notice dated 29.08.2025 to his father for appearance of applicant on 02.09.2025. In between applicant also arrived there and informed the CBI officials that since his father is not well, he cannot appear before them at Delhi and he may asked questions on that day itself. Accordingly CBI officials interrogated the applicant for about 2/3 hours. It is stated that on 06.09.2025 CBI officials came to his residence again and handed over a notice dated 06.09.2025 for appearance before the IO on 10.09.2025. On that day also applicant was interrogated and he provided each and every information to them. It is stated that

applicant came to know that in reply to bail applications of some other accused, CBI has claimed that applicant is yet to be arrested and thus he is having serious apprehension of arrest in this case. It is stated that several co-accused have already been granted anticipatory bail and co-accused Jigar Ahmed has been granted default bail as CBI failed to file the charge sheet within the statutory period.

Submissions

9. I have heard Sh.S.K. Sharma, ld. Counsel for accused/ applicant, Sh.Amjad Ali, ld. PP for the CBI as well as gone through the reply, police file and the documents as pointed out by the investigating officer.

Analysis and Conclusion

10. Before this court proceed to examine the facts and evidence as referred to in the reply of CBI, let us first examine the legal position with regard to relief of anticipatory bail. It is settled law that while considering the question of anticipatory bail, court has to take into consideration the nature of accusation, nature of evidence in support thereof, character of the accused, circumstances which are peculiar to the accused as well as reasonable possibility of securing the presence of accused at the trial and the apprehension of the witnesses being tampered with. Since it is an extraordinary relief, larger interest of public/State are also to be kept in mind while exercising such judicial discretion. At the same time, court of law has also to keep in mind the broad object of the provisions to grant anticipatory bail, u/s 438 of Cr.PC (482 of BNSS) is to safeguard personal

liberty of an individual, in a case where there is sufficient material showing accused having been falsely implicated.

11. As such while deciding the anticipatory bail application, a delicate balance is required to be established between safeguarding personal liberty of an individual as well as societal interest. It has been laid down repeatedly by Superior Courts that power to grant anticipatory bail is an extraordinary power, therefore same has to be exercised sparingly, only in exceptional cases after due application of judicial mind in relation to nature and gravity of accusation, possibility of accused fleeing away, conduct of the accused and other factors.

12. As noted above reference can be given of numerous judgments such as **Shri Gurbaksh Singh Sibbia and others vs. State of Punjab** (1980) 2 SCC 565, **State vs. Anil Sharma** (1997) 7 SCC 187, **Siddharam Satlingappa Mhetre vs. State of Maharasthra** (2011) 1 SCC 694, **Jai Prakash Singh vs. State of Bihar** (2012) 4 SCC 379, wherein it was laid down that relief of anticipatory bail cannot be claimed as a matter of right. Nature of gravity of accusation, conduct, exact role of accused must be properly comprehended. It has been laid down that grant of anticipatory bail in serious offences required that court must record exceptional reasons before granting such relief.

13. Being guided by above legal proposition, if we examine the facts of the present case, it is undisputed fact that the call centre by name M/s Digikap the Future of Digital, was a proprietorship firm in the name of applicant/accused Sourav Gill. It has come in the investigation that the

VoIP calls made to the victims (US nationals), who were defrauded by cyber crime, connect with the IP addresses as mentioned in para 8 of the reply of the CBI, installed in the same call centre/cyber cafe, which is owned by the applicant/accused.

14. Now coming to the issue that applicant/accused was not involved in operation of such call centre or some Gurmail Singh was hired by applicant/accused for day to day operation of the said call centre/ cyber cafe. That aspect is something which need to be investigated. It is important to note that applicant/accused is also resident of Amritsar, where the said call centre was operational. During investigation search was conducted at the said call centre and around 145 electronic devices such as computer, hard discs, mobile phones, laptops and other material were seized from there. It came in para 9 of the reply of the CBI that during search it was found that fake documents were being used by persons working in that call centre who were impersonating as officers of Federal Trade Commission, Washington, USA to induce US victims. Certain false documents were retrieved from the computer system seized from that call centre. These material certainly point out towards the applicant/accused being involved as it is matter of record that he was the owner of the said call centre and IP addresses were also in his name. Now the fact that whether applicant/accused was actually part of any conspiracy or not and whether he was in any manner involved in the commission of cyber crime, is something which cannot be ascertained without joining him in the investigation.

15. Applicant/accused in his bail application has taken up the plea that on 30.08.2025, 2/3 persons claiming themselves to be CBI officials visited his home and questioned the parents of the accused and thereafter interrogated accused/applicant. This fact has been denied by the ld. PP for the CBI. It is submitted that CBI officials have never interrogated the accused/applicant uptil now, rather it is mentioned in para 10 of the reply that immediately when the illegal call centre by name M/s Digikap the Future of Digital was busted by investigating agency on 20.08.2025, applicant/accused along wiuth his wife fled away from their mobile and switched off their mobile phone. It is mentioned thereafter notice was served to applicant/accused on 26.08.2025 by email and thereafter on 29.08.2025 and 06.09.2025.

16. Ld. Counsel for the accused submits that applicant/accused is ready to join the investigation and even after withdrawal of the first anticipatory bail application, no notice was served to applicant/accused to join the investigation.

17. Having given thoughtful consideration to the submissions as made at bar, it is very much evident that since the filing of first anticipatory bail application, accused was well aware that he is required by the investigating agency. In the reply to the first anticipatory bail application, similar facts were mentioned. As such there was no reason for the investigating agency to serve him fresh notice, subsequent to the dismissal of first anticipatory bail application as withdrawn. Rather it was for applicant/accused to either join the investigation physically or by

sending the reply/notice to CBI for his willingness as well as the grounds of his defence. Applicant/accused has rather avoided to take any legal recourse. It is important to note that there is no fresh ground taken in this second anticipatory bail application, since 16.12.2025 when first anticipatory bail application was dismissed as withdrawn.

18. It was also argued by ld. Counsel for the accused/applicant that there is no evidence on the record showing that applicant/accused received any monetary benefits in respect of alleged crime.

19. No doubt as on now there may not be any evidence showing any money flow/monetary trail in the bank accounts of the applicant/ accused. However it is to be borne in mind that cyber crime is not committed by banking transactions, particularly in the present case where it is in the allegations that victims/US nationals were defrauded to the tune of USD 40 million as per the details given in para 5 of the reply and thereafter that money was created in Coin time crypto exchange during the period form 22.07.2024 to 11.09.2024, which was subsequently further transferred in the form of crypto currency BTC in different crypto wallet numbers as per details given in para 5 of the reply. In such facts, without joining the applicant/accused in the investigation, the money flow if any attributable to accused/applicant, cannot be ascertained.

20. Therefore keeping in view the totality of the facts and circumstances, fact that applicant/accused has been the owner of the call centre where from the cyber crime was committed, this court is of the considered view that custodial interrogation of the accused is certainly

required for unfolding relevant facts. As such the extraordinary relief of anticipatory bail cannot be granted to applicant/accused. Hence application stands dismissed.

Announced in the open Court
on 13.01.2026

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

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