

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-08,
WEST DISTRICT TIS HAZARI COURTS, DELHI**

Bail Application No. 4454/2024

State Vs. Rajveer

FIR No. 13/2024

PS: Cyber West

U/s 420 IPC

10.12.2024

Present : Sh. Himanshu Garg, Ld. Addl. PP for State with
IO/SI Hariom.
Sh. Amit Kumar, Ld. Counsel for accused/applicant
(in VC).

Reply to the application filed.

Arguments heard.

Put up for order at 4:30 pm.

In the meanwhile, charge-sheet be called from the
Ld. Trial Court for 2 pm.

(HEM RAJ)
ASJ-08/West/THC/Delhi

At 4:30 pm

The present regular bail application has been moved
on behalf of accused Rajveer on the following grounds:-

- Accused/applicant has been in JC since 10.06.2024
- Investigation has been completed and charge-sheet has been filed.
- IO did not give notice u/s 41A Cr.P.C. to the applicant.

- There is no transaction in the account of applicant by the complainant.
- Applicant is sole bread earner of his family.

Ld. Counsel for accused/applicant has argued in consonance mentioned in the bail application, further submitting that accused, if released on bail, shall abide by all terms and conditions imposed by the court.

Ld. Prosecutor vehemently opposed the bail application stating that notice u/s 41A Cr.P.C. was served upon the accused, however, he did not join the investigation. Two bail applications of accused have already been dismissed by the Ld. CJM (West) vide order dated 27.07.2024 and 28.11.2024. The allegations against the accused are serious. He may tamper with the evidence, influence the witnesses or even flee from justice, if released on bail.

It is settled principle of law that the grant or rejection of bail is a matter of judicial discretion and the same has to be decided after considering the materials on the record. It is further settled principle of law that there cannot be a straight jacket formula to decide the bail application. In the judgment of ***Ram Govind Upadhyay v. Sudarshan Singh, (2002) 3 SCC 598***, the Hon'ble Apex Court laid down certain guidelines to decide the bail application. The relevant paragraphs 4 of the judgment is reproduced hereinbelow for the sake of convenience:-

“4. Apart from the above, certain other which may be attributed to be relevant considerations may also be noticed at this juncture, though however, the same are only illustrative and not exhaustive, neither there can be any. The considerations being:

(a) While granting bail the court has to keep in mind not only the nature of the accusations, but the severity of the punishment, if the accusation entails a conviction and the nature of evidence in support of the accusations.

(b) Reasonable apprehensions of the witnesses being tampered with or the apprehension of there being a threat for the complainant should also weigh with the court in the matter of grant of bail.

(c) While it is not expected to have the entire evidence establishing the guilt of the accused beyond reasonable doubt but there ought always to be a prima facie satisfaction of the court in support of the charge.

(d) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail, and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail.”

Again in the judgment of **Anil Kumar Yadav v. State (NCT of Delhi)**, (2018) 12 SCC 129, the Hon'ble Supreme Court laid down the guidelines regarding the consideration of the bail application. The same are reproduced hereunder:-

“17. While granting bail, the relevant considerations are : (i) nature of seriousness of the offence; (ii) character of the evidence and circumstances which are peculiar to the accused; and (iii) likelihood of the accused fleeing from justice; (iv) the impact that his release may make on the prosecution witnesses, its impact on the society; and (v) likelihood of his tampering. No doubt, this list is not exhaustive. There are no hard-and-fast rules regarding grant or refusal of bail, each case has to be considered on its own merits. The matter always calls for judicious exercise of discretion by the Court.”

The Trial Court record has been received. Same is perused.

Now let us decide the bail application in view of the said laws.

As per the facts, complainant has been cheated for a sum of Rs. 49 lacs when he joined a Whatsapp group dealing in stock market investment. A sum of Rs. 42 lacs had been transferred in the account of the present accused/applicant. The accused/applicant was already arrested in one case at Faridabad. The amount received in the account of the accused was further transferred into 200 accounts approximately.

The two bail applications of the accused have already been dismissed by the Ld. CJM. The facts of the case would reveal that accused is involved in several cases and if released on bail, he may commit the offence again. Moreover, on being released on bail, he may flee from the process of law.

The court can take judicial notice of the fact that the cyber crimes are on the rise and the innocent people are cheated of their hard earned money.

Considering the overall facts and circumstances, no ground for bail is made out. Accordingly, bail application stands **dismissed**.

Application stands disposed of accordingly.

However, nothing expressed herein shall tantamount to an expression on the merits of the case.

Copy of this order be given *dasti*.

TCR be sent back.

(HEM RAJ)
ASJ-08/West/THC/Delhi
10.12.2024_(sn)