IN THE COURT OF SH. AMITABH RAWAT
ADDITIONAL SESSIONS JUDGE-03
(SHAHDARA), KARKARDOOMA COURT, DELHI

Bail Appl.Regd. No. 3071-2022
FIR No. 784/2021
U/S. 420/120B/34 IPC
PS- Farsh Bazar
State Vs. Aditya Chauhan

06.01.2023

Present : Sh. Indresh Guptal, Ld. Addl. Public Prosecutor (Substitute) for the State.

SI Nitin Tomar, on behalf of I.O.

Sh. Abhishek Gaur, Ld. Counsel for applicant/accused Aditya Chauhan.

Arguments on the bail application of accused heard. I have perused the record.

1. It is submitted by Ld. Counsel for the applicant/accused Aditya Chauhan that consequent to the order dated 08.08.2022, accused had surrendered before the Ld. Trial Court on 26.09.2022 and he is in custody since then. Applicant has deep roots in society. It is further submitted that accused was willing to pay an amount of Rs. 23,000/- to t he complainant but he could not come inside the Court to make the payment as he was not called by the previous counsel to come inside the Court to make the payment. Thereafter, a new counsel was engaged and co-accused Shailender has been admitted to regular bail vide order dated 15.09.2022. Charge-sheet has been filed and Ld. MM had dismissed the bail application

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of applicant/accused due to which the present bail application has been filed.

It is, thus, prayed that accused may be granted bail.

2. On the other hand, Ld. Addl. Public Prosecutor as well as the IO had vehemently opposed the bail application stating that the present case was registered on the complaint of complainant Sh. Jitender Kumar Verma who had paid Rs. 93,200/- as he alongwith his wife were cheated in the present case by a person who impersonated himself as an agent of Bajaj Finserv Finance Company on the pretext of providing loan of Rs. 5 Lakhs. The cheated amount was deposited in the account of accused Aditya Chauhan. During investigation, the cheated amount was transferred to the account of other accused namely Amar Deep Chauhan. Moreover, two mobile phones and one pass book, Aadhar Card and PAN Card of the cheated person were recovered from the possession of both the said accused persons. The said two accused persons had handed over their ATM/debit card to the main accused Sachin @ Satyender Chauhan for the 10% commission that used to be distributed by accused Shailender @ Shailesh Chauhan. The main accused Satyender Chauhan is yet to be arrested and proceedings under Section 82 Cr.P.C has been initiated and he was declared Proclaimed Offender on 26.09.2022.

It is, thus, prayed for that bail application of accused be dismissed.

3. In the present matter, the present FIR was registered on the complaint of Sh. Jitender Kumar Verma on whose behalf Rs. 93,200/- was provided to one alleged representative Bajaj Finserv Finance Company for providing loan of Rs. 05 Lakhs. There was no representative of Bajaj

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Finserv Finance Company and the amount was credited in the account of Aditya Chauhan who is an accused in this case. During investigation, the cheated amount was transferred to the account of other accused namely Amar Deep Chauhan. Moreover, two mobile phones and one pass book, Aadhar Card and PAN Card of the cheated person were recovered from the possession of both the said accused persons. The said two accused persons had handed over their ATM/debit card to the main accused Sachin @ Satyender Chauhan for the 10% commission that used to be distributed by accused Shailender @ Shailesh Chauhan. The main accused Satyender Chauhan is yet to be arrested and proceedings under Section 82 Cr.P.C were initiated and he was declared Proclaimed Offender. The allegations against the accused are serious in as much as Rs. 93,200/- was cheated from the complainant by the accused persons by impersonating a representative of Bajaj Finserv Finance Company for providing loan of Rs. 05 Lakhs.

4. The conduct of accused persons should also be noted as accused was earlier on interim bail which had already expired and his regular bail application was dismissed by this Court vide order dated 08.08.2022. While the order was being dictated dismissing the bail application of accused, he had left the Court so that he cannot be taken into custody. The contention of the Ld. Counsel for accused, that accused had surrendered before Ld. Trial Court, is palpably incorrect as it was consequent to the fact that he had absconded to the Court after dismissal of the regular bail application during the period of his interim bail which was ended and he was to be taken into

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custody. Ld. Counsel, in the application, had raised allegations against the previous counsel for non-surrender of accused on 08.08.2022 but had withdrawn the allegation during arguments.

5. Considering the nature of the case, gravity of the offence and the allegations against the accused and in the overall facts and circumstances of the case, I am not inclined to allow the present bail application. Hence, the present bail application under Section 439 Cr.P.C filed on behalf of applicant/accused stands dismissed.

The application is accordingly disposed off.

Copy of this order be given dasti.

(Amitabh Rawat)
Addl. Sessions Judge-03
Shahdara District, Karkardooma Courts,
Dated: 06.01.2023