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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision: 12.10.2023*

+ BAIL APPLN. 3422/2023 & CRL.M.A. 27681/2023

AMIT SHARMA Petitioner

Through: Ms. Mohini Chauhan, proxy
counsel

versus

STATE Respondent

Through: Mr. Manoj Pant, APP for the
State with SI Ankit Sharma, P.S.
Cyber South, New Delhi

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J. (ORAL)

1. The instant application under Section 438 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of applicant seeking grant of anticipatory bail in case bearing FIR no. 72/2023 registered at Police Station Cyber Police Station, South, Delhi for offence punishable under Section 420 of Indian Penal Code, 1860 ('IPC').

2. Issue notice. Mr. Manoj Pant, learned APP accepts notice on behalf of the State.

3. Briefly stated, the facts of the present case are that the present FIR was registered on the complaint of complainant Oweas Khan alleging that he has been frauded of money using an online portal. It was alleged by the complainant that he had received a WhatsApp



message from a mobile number ***0483 on 16.06.2023 in relation to an offer of earning online part time income which could be earned by any person by giving rating on Google platform. Every user could earn Rs.50/- per rating on Google and Rs.200/- per login in relation to the same. Thereafter, the complainant was induced to pay money and complete task for getting commissions and profits on each task. Firstly, the complainant was given a bonus amount of Rs.200/- after joining the telegram group which used to supply links for the purpose of said tasks. An account ID of the complainant was created on the fraud portal “<http://gjpdyp.top/h5/>” and was asked to complete a pre-paid task of Rs.1000/-. After the complainant had made the payment of the said amount, he received an amount of Rs.1300/-, after which the complainant was again offered to complete a pre-paid task of Rs.5000/- and was promised to get a return of Rs.10,400/-. Thereafter, a series of inducements were made by the unknown telegram user and the complainant was asked to make a payment of Rs.7000/-, then Rs.28,000/- and finally, Rs.68,000/-. The complainant had then asked the unknown telegram user for his refund and the bonus amount but he was told by the same person that he had made some mistake in completing the task and to get the bonus, he has to complete some more pre-paid tasks. Acting on the request of the unknown telegram user, the complainant paid a sum of Rs.2 lakhs, then Rs.2.5 lakhs and finally Rs.2.5 lakhs. It has been alleged by the complainant that he has been defrauded of a total amount of Rs.7,99,850/- and this amount has been transferred to multiple bank accounts. During the course of investigation, it was revealed that the alleged cheated amount was



transferred to a PNB bank account bearing no. ***6793 which was in the name of a firm called 'Sweet Valley Cottages' and had its beneficiary as Mr. Amit Sharma, who is the main accused/applicant in the present case.

4. Learned counsel for the applicant/accused submits that the applicant has been falsely implicated in the present case and has no role in the transactions which has been alleged by the complainant. It is submitted that the applicant is the owner of Sweet Valley Cottages and an amount of Rs.28,000/- was transferred in an account which was in the name of the said firm by one P. Rawal. It is submitted that the applicant is ready to deposit the said amount and is ready to join the investigation as and when required.

5. *Per contra*, learned APP for the State states that the present case is of serious nature as it involves a financial cheating scam which was organized by the applicant on a large scale. It is argued that the accused used to send messages to the general public and used to lay a trap for them to get induced into paying certain sum of money. It is further submitted that the present applicant/accused is the beneficiary of the said account and had even withdrawn money from the account after the alleged transaction. The alleged instance reveals an inter-state racket and the custodial interrogation of the accused is required to reveal many such transactions.

6. This Court has heard arguments addressed by learned counsel for the applicant and learned APP for the State and has perused the material on record.

7. A perusal of status report reveals that the alleged cheated amount



was transferred to a bank account which had the name of applicant/accused Amit Sharma as its beneficiary and the sole proprietor of the firm. It has been revealed during the course of investigation that a sum of Rs.2.78 crores was received and transferred from the said account in a single day on 17.06.2023. This Court has also perused a report received from PNB bank which reveals that multiple cases have been registered in different states in relation to the abovementioned PNB account of accused Amit Sharma. This Court further notes that a sum of Rs.5 lakhs was withdrawn in cash from the said account on the date of alleged incident i.e. 17.06.2023 through self cheque by accused Amit Sharma. It is observed that a notice under Section 41A of Cr.P.C. was served to applicant/accused on 23.08.2023 for joining investigation but he did not join the investigation.

8. In this case, this court is of the view that it is imperative to underline the gravity of the offence at hand, which revolves around a well-organized, inter-state racket engaged in financial trap-laying scam conducted through online channels. The court recognizes that these actions constitute a form of cheating and fraud that not only victimizes individuals but also erodes the public's confidence in online financial transactions. Such scams, like the one before this Court, cast a long shadow of doubt and insecurity over the digital platforms that are an essential part of modern financial systems.

9. This Court notes that the seriousness of such scams extends far beyond the immediate victims. At their core, they strike at the heart of the nation's financial stability. By undermining trust in online transactions, these fraudulent activities have a cascading effect that



resonates throughout the entire economic landscape. In an era where online transactions are the lifeblood of commerce, finance, and communication, any compromise in their integrity has severe repercussions for society as a whole.

10. When this trust in online transactions is shaken, it leaves individuals wary and apprehensive, rendering them vulnerable to financial exploitation. As a result, the public becomes increasingly reluctant to engage in online financial activities, which can significantly impede economic growth, innovation, and financial inclusion. This court recognizes the urgent need to address such issues with the utmost seriousness, not only to protect individuals from financial harm but also to ensure the continued vitality of online financial systems and, by extension, the broader economy.

11. In view of aforesaid facts and circumstances and that the accused/ applicant is engaged in an online financial scam at a large scale and the alleged amount was transferred in the bank account of the applicant/accused, the present bail application of the accused stands dismissed.

12. Accordingly, the present bail application alongwith pending applications, if any, stands disposed of.

13. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

14. The Judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

OCTOBER 12, 2023/ns

Click here to check corrigendum, if any