

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2263/21

FIR No. 115/21

U/s 420/468/471/120B IPC

P.S. Burari

State Vs. Desh Raj

28.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through video conferencing mode.

Fresh application u/s 439 Cr.P.C. has been moved on behalf of applicant for grant of regular bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.

Sh. Roshan Lal, Ld. Counsel for applicant through VC.

Let report of IO be called for 03.09.2021.

Order be uploaded on the website of Delhi District Courts.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/28.08.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2264/21
FIR No. 263/21
U/s 376/312/313/417 IPC
P.S. Timarpur
State Vs. Dr. Tatton Perme

28.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through video conferencing mode.

Fresh application u/s 438 Cr.P.C. has been moved on behalf of applicant for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Simon Benjamin, Ld. Counsel for applicant through VC.
Let report of be called for 01.09.2021.
Order be uploaded on the website of Delhi District Courts.

**(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/28.08.2021**

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2251/2021
FIR No. 263/21
U/s 448/420/468/471/120B IPC
P.S. Burari
State Vs. Ram Milan

28.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through video conferencing mode.

Present application u/s 439 Cr.P.C. has been moved on behalf of applicant for grant of regular bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Rahul Mourya, Ld. Counsel for applicant through VC.
IO/SI Pushpendra present through VC.
Let TCR be requisitioned for 06.09.2021
Report of IO received.
Order be uploaded on the website of Delhi District Courts.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/28.08.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

BAIL APPLICATION NO. 2252/21

FIR NO. 131/19

U/S 420/468/471/120B IPC

P.S. Civil Lines

State Vs. Vikas Jha

28.08.2021

Vide Order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Wazirabad and Crime Branch of Central Police District through Video Conferencing Mode.

Fresh application u/s 439 Cr.P.C. has been filed on behalf of accused Vikas Jha for grant of regular bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State through VC.

Sh. S.K. Singh, Ld. Counsel for applicant through VC.

IO/SI Rohit present through VC.

Report of IO received.

ORDER ON BAIL APPLICATION

1. Vide this order, this Court shall adjudicate upon the bail application filed on behalf of the accused. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant /accused submitted that accused is in custody for more than 19 months and co-accused Arun Kumar has

already been granted bail. He further submitted that accused is not at all a beneficiary as he has not received any amount by the complainant. He further submitted that his real brother has expired on 11.08.2021 and now the entire family is dependent upon him as he is the only bread winner left in his family. He further submitted that some rites are to be performed at his native place i.e. Muzaffar Nagar, Bihar and for that entire family has to visit there. He further submitted that his mother is a old widow lady and is suffering from various old age ailments.

3. Per *contra*, Ld Addl. PP for the State alongwith the IO, vehemently opposed the bail application as per law. It was submitted that applicant cannot claim parity with co-accused Arun as applicant is involved in many other cases. It was further submitted that applicant earlier had jumped the bail granted during Covid-19 and did not surrender before the jail authorities. IO has submitted that accused Vikas Jha did not surrender on 23.12.2020 and he was again arrested on 27.05.2020. Further, as far as the rituals being conducted after the death of brother of applicant are concerned, as per the report of IO Tehrvi has already been performed.
4. Before adverting to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: It was alleged by the complainant that that he has been cheated with the sum of Rs. **131935.20/- (48000 + 40944 + 42991.20)** by an unknown person through

fraudulent transactions, occurred in his credit card account bearing **Credit card No. 4726-4277-5717-5526**. After registration of the case, investigation was transferred from PS Civil Lines to Cyber Cell/North Distt. Delhi. During investigation, notice U/S 91 Cr.PC was served to SBI Credit Card department and other connected merchants for seeking details against the illegal transactions of amounts and other beneficiary details. SBI Cards furnished its initial reply over government e-mail of district Cyber Cell North. As per the reply of SBI Cards it came to notice that it were the web transactions which were done through web login into his credit card account. Hence they furnished IP addresses captured against all the activity done into victim's SBI credit card account occurred on dated 30/07/2019, and also furnished other beneficiary details. During the investigation on the basis of CDR and IPDR analysis, main accused **Vikas Jha @ Amit S/O Late. Shri Ram Pratap Jha** who did the alleged transactions and was staying at **BA-361, Ground Floor, Tagore Garden Delhi** was apprehended from his home and later on arrested. During primary interrogation, he confessed his crime and himself get recovered 9.5 Lacs rupees, one Keypad mobile along with five smart phones including the **phone number 9412228261 with Vivo Shining Blue color mobile IMEI No. 865840045217133, 86584004527125**, one ASUS Note book PC containing the data of thousands of people, the note book was found in switched on

condition. One Airtel 4G hotspot Huawei dongle, from his house. As per IP addresses by SBI Credit cards department and its IPDR furnish by Airtel ISP the **Internet facility of mobile number 9412228261 with device IMEI No. 865840045217133 was used in accessing the web login account of victim's credit card bearing number 4726-4277-5717-5526 has recovered** from the possession of accused **Vikas Jha S/O Late Shri. Ram Pratap Jha**. At the instance of accused/applicant, two of his accomplices were also arrested. As per the investigation done so far, it is clear that Accused Vikas Jha was the leader/prime accused of the gang, whose members used to cheat the innocent people across all over India. Charge sheet has been filed before the concerned Court. Accused Vikas Jha is a habitual offender and was involved in criminal cases of similar nature.

It is pertinent to mention that accused was granted covid bail and was released on bail in December 2020 and the time he came out of the jail he indulged in similar act and cheated several people. He was again arrested in case FIR No 152/21 U/s 420/467/468/471/120B IPC PS Burari. It is also important that accused Vikas Jha jumped bail granted during Covid and did not surrender before the jail authorities, and he was later arrested while he was travelling to Delhi.

5. At this juncture, it would be apposite to peruse the judgment titled ***Sunil Dahiya Vs. State (Govt. of NCT of Delhi), Bail Application***

No. 1212/2016 dated 18.10.2016 wherein Hon'ble High Court of Delhi has held as thus:-

"49. The applicant accused appears to be a person with deep pockets. If he could manipulate and dupe more than 1000 investors to invest in his projects, he may as well be able to influence these investors, other witnesses and the evidence to save his own skin. The Applicant herein has been accused of economic offences involving cheating and misappropriation of huge amounts of public funds, and such offences - as observed by the Apex Court, have to be viewed seriously. In Y.S. Jagan Mohan Reddy v. Central Bureau of Investigation, (2013) 7 SCC 439, the Court in Para 34 observed:

*"34. **Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail.** The economic offences having deep rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country."*

50. Further, in State of Gujarat vs. Mohanlal Jitmalji Porwal and Anr., (1987) 2 SCC 364, the Court in Para 5 observed:

*"5. **The entire Community is aggrieved if the economic offenders who ruin the economy of the State are not brought to book.** A murder may be committed in the heat of moment upon passions being aroused. **An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the Community.** A disregard for the interest of the Community can be manifested only at the cost of forfeiting the trust and faith of the Community in the system to administer justice in an even handed manner without fear of criticism from the quarters which view white collar crimes*

with a permissive eye unmindful of the damage done to the national economy and national interest.."

6. Further, the above judgment, which ordains Courts to be circumspect while adjudicating bail applications in cases pertaining to offences against property and offences related to documents, also observed as thus:-

"53. The Supreme Court, in [Neeru Yadav v. State of U.P.](#), (2014) 16 SCC 508 - which was also a case of regular bail under [Section 439](#), observed as follows:

*"16. xxx We are not oblivious of the fact that the liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. It is basically a natural right. In fact, some regard it as the grammar of life. No one would like to lose his liberty or barter it for all the wealth of the world. People from centuries have fought for liberty, for absence of liberty causes sense of emptiness. The sanctity of liberty is the fulcrum of any civilized society. It is a cardinal value on which the civilisation rests. It cannot be allowed to be paralysed and immobilized. Deprivation of liberty of a person has enormous impact on his mind as well as body. A democratic body polity which is wedded to rule of law, anxiously guards liberty. But, a pregnant and significant one, the liberty of an individual is not absolute. The society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the collective and to the societal order. Accent on individual liberty cannot be pyramided to that extent which would bring chaos and anarchy to a society. **A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. No individual can make an attempt to***

create a concavity in the stem of social stream. It is impermissible. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly things which the society disapproves, the legal consequences are bound to follow. At that stage, the Court has a duty. It cannot abandon its sacrosanct obligation and pass an order at its own whim or caprice. It has to be guided by the established parameters of law".

7. During the course of arguments, IO/SI Rohit had ably assisted the Court in understanding the intricacies of the complex method in which the offence was committed by the applicant. The applicant, in connivance with others, has adopted similar modus operandi to dupe unsuspecting citizens. It is apparent that the applicant is a habitual criminal in as much as despite coming out from the jail in December, 2020, he cheated several people. Moreover, the IO also brought to the notice of this Court that the applicant was released on bail in another case, but instead of surrendering on the expiry of the interim bail, he jumped the bail and continued with his nefarious activities. It seems that applicant has not mended his recalcitrant ways. As per the report of the IO, applicant is involved in as many as 20 cases and out of those mostly are of cheating.
8. Under these circumstances, taking into the account the gravity of the offence, severity of the punishment that the offence entails and the role attributed to the accused herein coupled with the fact that earlier applicant has jumped the bail and did not surrender before the jail, this Court is of the opinion that the accused ought

not to be granted bail at this juncture. Accordingly, the present bail application is hereby dismissed.

9. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the bail application stands disposed off.
10. Copy of the order be uploaded on the website of the District Court.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/28.08.2021