

Anil Chamola vs.state

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Court : Delhi

Decided On : Sep-20-2019

Appellant : Anil Chamola

Respondent : State

Judgement :

* + IN THE HIGH COURT OF DELHI AT NEW DELHI BAIL APPLN. 2380/2019
Judgment reserved on :

20. 09.2019 Date of decision :

20. 09.2019 ANIL CHAMOLA

... Petitioner

STATE Through: Ms. Neha Garg and Mr. Nitin Garg, Advocates. versus
Respondent Through: Mr. Kewal Singh Ahuja, APP for State with ASI Kishan Pal Singh, PS New Ashok Nagar. CORAM: HON'BLE MS. JUSTICE ANU MALHOTRA JUDGMENT ANU MALHOTRA, J.

1. The applicant seeks the grant of anticipatory bail in relation to the FIR No.179/2019, PS New Ashok Nagar registered under Sections 420/120B of the Indian Penal Code, 1860 submitting to the effect that the applicant has been falsely implicated and is willing to join the investigation and there are no allegations of any kind against the applicant that he had ever duped the complainant in investing any money into M/s AES Cybernetics Pvt. Ltd and there

in nothing on the Bail Appl. 2380/2019 Page 1 of 9 record to indicate any conversation between the applicant and the complainant as per averments made in the FIR also.

2. The applicant has submitted that there is no element of cheating brought forth against the applicant in any manner. It has also been submitted on behalf of the applicant that one of the co-accused in the instant case namely Romesh Razdan was granted anticipatory bail vide order dated 18.09.2019 and that on parity the applicant be also granted anticipatory bail.

3. On behalf of the State, learned APP for the State has put forth the status report which indicates that the FIR has been registered on the complaint of a complainant aged 78 years who stated that in the year 2015, he met Mr. Romesh Razdan, who represented that Mr. Rakesh Tickoo along with Mr. Anil Chamola i.e. the applicant herein were running a company in the name of AES Cybernetics Pvt. Ltd. with the registered office at A-74, Sector 4, Noida, U.P-201301 and that the said Romesh Razdan (on bail) had represented that Rakesh Tickoo (co-accused in custody) had dreamt that they would expand the said company to make it with a turnover of more than Rs.25 Crores which would be for the Kashmiris and that it would be run by the Kashmiris and also for the benefit of people who have been dislocated from their home town and that Mr. Romesh Razdan and Mr. Rakesh Tickoo further induced the complainant for the purpose of duping him and dishonestly and fraudulently took huge sums of money from the complainant under the grab of investment in company and personal friendly loans, with promise to return the money and the accused persons in connivance with each other further induced the Bail Appl. 2380/2019 Page 2 of 9 complainant to invest the money in the company i.e. M/s AES Cybernetics Pvt. Ltd of which the certificate of incorporation was stated to be incorporated on 24.09.2014 in which the applicant herein i.e. Anil Chamola and Rakesh Tickoo (accused in custody) were the directors of the said company and from 14.03.2016 to 24.05.2016, Rs. 19 lakhs were obtained by these persons from the complainant in the account of M/s AES Cybernetics Pvt. Ltd.

4. As per the status report of the State, the complainant is also stated to have become one of the Directors of the company M/s AES Cybernetics Pvt. Ltd and paid Rs.20 lakhs into the said company vide cheques. The complainant is also stated to have paid Rs.14.30 lakhs into the account of Rakesh Tickoo (accused in custody) and Meenakshi Tickoo (accused stated to be absconding) and also paid Rs.7.80 lakhs in cash to Rakesh Tickoo and before becoming a Director, the complainant paid Rs.25 lakhs to the accused persons, some into the account of the company and some into the personal account of Rakesh Tickoo.

5. The State has submitted further through its Status Report that by analyzing the withdrawal and transfer pattern of the bank accounts of the accused persons, it is indicated that the said persons obtained Rs.20 Lakhs in the account of M/s AES Cybernetics Pvt. Ltd in the Karnataka Bank from the complainant and instantly around Rs.10 lakhs were transferred in another company Aryan-e-Solutions under the control of Rakesh Tickoo and Anil Chamola i.e. the applicant herein and Rs.9 lakhs Bail Appl. 2380/2019 Page 3 of 9 were withdrawn from the account of M/s AES Cybernetics Pvt. Ltd.

6. As per the status report submitted by the State, some amount of money was transferred from the account of M/s AES Cybernetics Pvt. Ltd to the account of Aryan-e-Solutions and some money was also withdrawn from M/s AES Cybernetics Pvt. Ltd vide cheques bearing the signatures of Rakesh Tickoo and Anil Chamola i.e. the applicant herein by the following transactions:-

"Date Cheque No.Amount (in Source Beneficiary AES Cybernetics Pvt. Ltd. AES Cybernetics Pvt. Ltd. AES Cybernetics Pvt. Ltd. AES Cybernetics Pvt. Ltd. AES Cybernetics Pvt. Ltd. AES Cybernetics Pvt. Ltd. AES Cybernetics Pvt. Ltd. AES Self Aryan-e- solutions (Axis Bank) Self Self Self Aryan-e- solutions (Axis Bank) Self Self Aryan-e- solutions (Axis Bank) Self Sl. No.1. 14.03.2016 458235 Rs.) 1,50,000/

14.03.2016 458234 2,00,000/

14.03.2016 458237 50,000/

14.03.2016 458238 70,000/

17.03.2016 458239 30,000/

17.03.2016 458240 3,00,000/

19.03.2016 458241 1,75,000/

31.03.2016 458242 2,00,000/

02.04.2016 458244 2,00,000/- 10. 11.04.2016 458245 65,000/- Bail Appl. 2380/2019 Page 4 of 9 11. 16.04.2016 458246 2,50,000/- 12. 20.04.2016 458247 80,000/- 13. 24.05.2016 462321 60,000/- (salary) 14. 25.05.2016 462324 40,000/- 15. 27.05.2016 462326 10,000/- 16. 30.05.2016 462329 50,000/- 17. 31.04.2016 462328 30,000/- 18. 03.06.2016 462327 15,000/- Cybernetics Pvt. Ltd. AES Cybernetics Pvt. Ltd. AES Cybernetics Pvt. Ltd. AES Cybernetics Pvt. Ltd. AES Cybernetics Pvt. Ltd. AES Cybernetics Pvt. Ltd. AES Cybernetics Pvt. Ltd. AES Cybernetics Pvt. Ltd. AES Cybernetics Pvt. Ltd. AES Cybernetics Pvt. Ltd. Aryan-e- solutions (Axis Bank) Self Rakesh Tickoo (Karb) Self Self Self Self Self 7. It has thus been submitted by the State that from the account of Aryan-e-Solutions, Rs.6.29 lakhs were transferred in the personal account of Rakesh Tickoo and some money was withdrawn from the ATM and from the personal account of Rakesh Tickoo, money was transferred to the account of Romesh Razdan and Anil Chamola i.e. the applicant herein and to some other accounts. The State has further submitted that as per the personal bank account statement of Rakesh Tickoo, following transactions came into the knowledge through which the money was sent to Anil Chamola i.e. the applicant herein:-

"Bail Appl. 2380/2019 Page 5 of 9 07/03/2016 07/03/2016 07/03/2016 09/03/2016 14/03/2016 18/03/2016 11/05/2016 21/05/2016 25/05/2016 13/07/2016 01/08/2016 10/08/2016 17/08/2016 24/08/2016 29/08/2016 16/09/2016 28/09/2016 01/10/2016 01/11/2016 15/11/2016 02/12/2016 26/12/2016 S No.Date 1.

2.

20. 21.

8. The State has further submitted that the co-accused Rakesh Tickoo was arrested on 29.08.2019 and during interrogation he disclosed that he was running M/s AES Cybernetics Pvt. Ltd with Anil Chamola i.e. the applicant herein and Romesh Razdan and that on 21.07.2019, Mr. Anil Chamola i.e. the applicant herein joined the investigation and disclosed that Mr. P.L. Fotedar invested money in M/s AES Cybernetics Pvt. Ltd and that there were some transactions between

Rakesh Tickoo and PL Fotedar also. Bail Appl. 2380/2019 Page 6 of 9 9. It has also been submitted by the State that there are other cases also pending against the applicant herein namely Anil Chamola, which are to the effect:-

"Complainant Alleged Persons PS U/S Next Date of Hearing Status S. No.1 Case No./CC No.92

Bansi Lal Arora 2. 63

Bansi Lal Arora Rakesh Tickoo Anil Chamola Rakesh Tickoo Anil Chamola Greater Kailash Greater Kailash 138 NI Act 138 NI Act 30/10/2019 Pending 30/10/2019 Pending and that it had also been brought forth to the knowledge of the State that the case bearing no.1606128/2014 Ms HCL Infosystem Vs. MS Aryan E Solutions is also pending.

10. The status report submitted by the State states to the effect that the co-accused Rakesh Tickoo was in custody and the account/place where the money had been parked by the accused persons was yet to be ascertained for which custodial interrogation of the applicant is required for ascertaining the facts and recovery of money.

11. Undoubtedly, the co-accused Romesh Razdan in Bail Application No.2259/2019 has been granted anticipatory bail. However, it is essential to observe that the amount transferred in his account is stated to be only Rs.82 lakhs and furthermore, the said applicant Romesh Razdan was 61 years of age and it was submitted by the State under the instructions of the Investigation Officer ASI Kishan Pal, PS New Ashok Nagar that no further custodial Bail Appl. 2380/2019 Page 7 of 9 interrogation of that accused namely Romesh Razdan was required, as a consequence of which the said Romesh Razdan was allowed to be released on bail in the event of arrest on conditions that he would submit a bail bond in the sum of Rs.1 lakh with one surety of the like amount to the satisfaction of the learned Trial Court with directions that he would not leave the country and would join the investigation as and when required.

12. In the instant case, however, the status report that has been put forth by the State indicates that amounts of money have been transferred from M/s AES Cybernetics Pvt. Ltd into the account of company called Aryan-e-Solutions, which

are under the control of the co-accused Rakesh Tickoo and Anil Chamola i.e. the applicant herein and cheques bearing the signatures of the applicant herein have been issued whereby money has been withdrawn from M/s AES Cybernetics Pvt. Ltd in which the complainant had invested his earning.

13. The status report also indicates that from the account of Rakesh Tickoo, the co-accused, money has also been transmitted into the personal account of Anil Chamola i.e. the applicant herein to the tune of Rs. 1,63,950/-, though the applicant herein namely Anil Chamola is stated to have resigned from M/s AES Cybernetics Pvt. Ltd on 27.03.2018, prima facie the factum that there are amounts of money transmitted into the account of the applicant which in turn have been transferred into his account by Rakesh Tickoo, it is apparent that to ascertain the money trail in the matter, the custodial interrogation of the applicant would be required by the State. Bail Appl. 2380/2019 Page 8 of 9 14. In the circumstances, the application seeking grant of anticipatory bail by the applicant herein is declined. SEPTEMBER20 2019/NC ANU MALHOTRA, J.

Bail Appl. 2380/2019 Page 9 of 9

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