

Court No. - 69**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 727 of 2023**Applicant :-** Anil Kumar Shah@ Ani Saha**Opposite Party :-** State of U.P.**Counsel for Applicant :-** Swetashwa Agarwal, Yash Raj Verma**Counsel for Opposite Party :-** G.A.**Hon'ble Samit Gopal,J.**

1. Heard Sri Swetashwa Agarwal, learned counsel for the applicant and Sri Rupak Chaubey, learned A.G.A. for the State and perused the material on record.

2. This bail application under Section 439 of Code of Criminal Procedure has been filed by the applicant- **Anil Kumar Shah@ Ani Saha**, seeking enlargement on bail during trial in connection with Case Crime No. 206 of 2019, under Section 420, 467, 468, 471, 409, 201, 120-B I.P.C., registered at Police Station Dadri, District Gautam Budh Nagar.

3. The prosecution case as per the F.I.R. lodged on 12.02.2019 by Sunil Kumar Meena s/o Devi Lal Meena resident of Flat NO.-GF1, Bhavya Praide Apartment, S.K.I.T. Engineering College near Jagatpura, Jaipur against Sanjay Bhati, Rajesh Bhardwaj, Sunil Kumar Prajapati, Dipti Bahal, Sachin Bhati and Karan Pal Singh is that in the first week of October he entered into an agreement with a Bike Taxi Company by depositing Rs. 34 lakhs. The name of the company was Bike Bot powered by Gravit Innovative Promoter Limited, the owner of the said company is Sanjay Bhati and the other directors of the company are Rajesh Bhardwaj, Sunil Kumar Prajapati, Dipti Bahal, Sachin Bhati and Karan Pal Singh. The company was having its registered office at Plot No.1, Chiti, Gautam Budh Nagar, Greater Noida, U.P. and the other offices of the company are situated at Dadri and Grand Vanis Mall, Noida. The informant has executed the agreement with Sanjay Bhati on a stamp paper of Rs. 1000/- with the postulation that the company will open franchise by giving informant 51 bikes which would be operated like Ola Bike and Uber in Jaipur and as per the terms of the agreement the salary of 51 drivers will be given by the company and the company shall also provide rent of bike parking @ 200/- per bike. The informant came to know about the company from the Manger of Andhara Bank, Branch Jagat Pura, Jaipur who also informed him that he has also invested in six bikes and on further enquiry the informant came to know that many people of Jaipur who are acquainted to him have also invested in the said company. Each one of them were getting payment per month by the company but after 01-02 months the company stopped the payment. The informant was to get Rs. 6,45,000/- in his bank account of Andhara Bank but he received only Rs. 66,000/- from the company and since the last two months neither he nor anyone has received any money. The company has no bike online booking app. The informant many

times visited the company but the officials told him that they only keep bikes for showing while the company earns by making people join the company and he should also pursue people to join the company if he wants to earn. Apart from 51 bikes only 26 bikes have been sent to the informant. The informant has come to know that the owner of the company Sanjay Bhati has appointed another CEO of the company, grabbed money of everyone and has cheated everyone. The company is not providing any bike taxi services rather it is rotating money as chit fund company. The company has promised to pay Rs. 75 lakhs from of investment of Rs. 34 lakhs. The company has done fraud with many people, the bank accounts of the company be seized and his report be lodged.

4. Learned counsel for the applicant argued that the applicant is not named in the first information report. It is argued that the implication of the applicant has surfaced in the matter after two years of lodging of the first information report. It is argued that Deepak Tayal a witness in the matter was interrogated u/s 161 Cr.P.C. who did not state anything about the applicant. Subsequently his statement was again recorded for the second time on 10.08.2021 in which only general and omnibus allegations have been levelled against the applicant and 07 named persons and others. It is argued that the applicant is not involved in the management of the company and is neither a shareholder of the company. It is further argued that the applicant is an accused in one other case lodged in Delhi pertaining to Bike Bot matter. It is argued that the applicant has been booked under the U.P. Gangsters & Anti-Social Activities Act (Prevention), 1986 in a very stereo typed manner along with other co-accused persons. Learned counsel has argued that the Memorandum of Understanding was executed between M/s Gravit Innovative Promoter Limited and M/s Saha Infratech Pvt. Ltd. and M/s Abet Builtech Pvt. Ltd. which are the companies of the applicant and money was transferred for booking of nine flats by G.I.P.L. It is argued that the said nine flats have been attached by the Enforcement Directorate but the same would go to show that the transactions were not in any manner sham transactions in a clandestine way. It is argued that the said transactions were genuine and were transactions through bank. It is argued that co-accused Sanjay Goel, Adesh Bhati @ Ajeet Bhati, Sunil Kumar Prajapati @ Sunil Prajapati and Rekha Rani have been granted bail by co-ordinate Benches including this Bench of this Court vide orders dated 28.05.2020, 20.07.2021, 27.01.2022 and 15.12.2022 passed in Criminal Misc. Bail Application Nos. 2766 of 2020, 21115 of 2021, 26288 of 2021 with 26884 of 2021 and 56777 of 2022, the copy of the said orders is annexed as Annexure-31 to the affidavit. Further co-accused Lalit Kumar has been granted bail by the Apex Court vide order dated 05.08.2022 passed in Criminal Appeal Nos. 1170-1178 of 2022, the copy of the said order is annexed as Annexure-SA-1 to the supplementary affidavit dated 11.01.2023. It is further argued while placing paragraph 122 of the affidavit that the applicant is an old ailing man aged about 65 years. The applicant and is in jail since 12.12.2020.

5. *Per contra*, learned A.G.A. for the State vehemently opposed the prayer for bail. It is argued that on the own showing of the applicant from paragraph 4 to 8 of the supplementary affidavit dated 28.08.2023 the applicant is involved in 05 other cases and 07 cases pertaining to Bike Bot scam. It is argued that the

Memorandum of Understanding dated 19.09.2018 shows the acquisition price of the target company is approximately Rs. 09 lakhs. It is argued that it was further stated that the parties shall enter into separate share purchase agreement for each of the target companies. It is argued that perusal of paragraph 69 of the affidavit in support of the bail application goes to show that the transfer of funds were much earlier to the company of the applicant from the date of lodging of the first information report. It is further argued that there has been siphoning of funds by transferring the funds collected in the scam under the garb of the applicant for purchase of flats. It is argued that attachment of the said properties by the Enforcement Directorate is after their satisfaction of money being laundered and after they have satisfied with the misuse of funds through money trail. It is argued that the said money was transferred to the company of the applicant just to legalize it. It is further argued that the applicant is a beneficiary of money received from investors. The applicant is further involved in signing forged cheques. Learned counsel has argued that G.I.P.L. and its sister companies and Independent TV (earlier known as Reliance Big TV Ltd.) opened 21 bank accounts in different banks and Rs. 29,76,52,09,644.62 were received from approximate 2,46,462 investors. The applicant was instrumental in motivating the investors to invest their money in G.I.P.L. While placing paragraph 15 of the counter affidavit it is argued that as per the bank statements obtained by the Investigating Officer the companies of the applicant received Rs. 21,67,00,177/- transferred by G.I.P.L. and its sister companies. It is argued that the applicant is seriously involved in the present matter. He by receiving money in his companies was a direct beneficiary of the money collected by cheating and forgery. It is argued that the bail application thus deserves to be rejected.

6. After having heard learned counsel for the parties and perusing the record, it is evident that the companies of the applicant received money from G.I.P.L. in their account for flats booked by G.I.P.L. The flats have been attached by the Enforcement Directorate which goes to show that money has been laundered and money trail was found to be showing criminality. The applicant was thus the beneficiary of the money collected by G.I.P.L. from investors by committing fraud and cheating on them. The investigation in the matter has concluded and charge-sheet has been submitted in which the implication of the applicant has surfaced. No ground for bail is made out.

7. Looking to the facts and circumstances of the case, this Court does not find it a fit case for bail, hence, the bail application is **rejected**.

Order Date :- 18.10.2023

AS Rathore

(Samit Gopal,J.)