

Rounak Kumar Bansal vs State on 28 January, 2022

Author: Mukta Gupta

Bench: Mukta Gupta

\$~6, 9 & 10

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 4203/2021 &
CRL.M.A. 18959/2021 (exemption)
ROUNAK KUMAR BANSAL

Represented by: Mr Mohit

versus

STATE

Represented by: Mr Ravi Nayak, APP
with Insp Parveen K
Crime Unit, Special
WITH

9.

+ BAIL APPLN. 4368/2021
S.K.ROBIN

Represented by: Mr M. K.

versus

STATE GOVT. OF NCT OF DELHI

..... Res
Represented by: Mr Ravi Nayak, APP for the
with Insp Parveen Kumar Cyb
Crime Unit, Special Cell.
AND

10.

+ BAIL APPLN. 4376/2021
S.K. RAMIZUDDIN NAWAZ

Represented by: Mr M. K.

versus

STATE GOVT OF NCT OF DELHI

Signature Not Verified
Digitally Signed By:JUSTICE
MUKTA GUPTA
Signing Date:29.01.2022
12:08:02

BAIL APPLN.4203/2021 & other connected matters

Represented by: Mr Ravi
with Insp
Crime Uni

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA
ORDER

% 28.01.2022 The hearing has been conducted through video conferencing.

1. By these petitions, the petitioners seek regular bail in case FIR No.0141/2021 under Sections 419/420/468/471/34/120B IPC and Section 66D IT Act registered at PS Special Cell, Delhi.

2. The above-noted FIR was registered after complaints of largescale cyber cheating were received from various places in Delhi in an organised manner through website and Apps. It was found that website www.ezplan.in/login/shareapp/UID/97746 and an App available on Google Play Store, namely, Power Bank App. were involved in cheating large number of people. By this app. offer was made to general public to double their money in a short span of time of 30-35 days and when the public deposited the money, the same was siphoned off. Further, complaints were also received against the fraud in the name of Power Bank as well as EZ Plan. The victims sent their screenshots showing that the payment was made to the accused persons, however, the money which was to be doubled was not received. During the investigation, it was revealed that multiple apps. were found attached to the accounts of various and large scale money was collected through these apps., the modus operandi being the victim was allured for doubling or instant increase in their money and the money was collected on the said pretext.

Initially, 10-15% of the amount was paid and thereafter the phone was blocked and not picked up and hence the remaining 85-90% amount was cheated. The 10-15% amount was found credited from various bank accounts in the name of various companies.

3. The Power Bank App. and the website www.ezplan.in started around March-April, 2021 and were rigorously pushed through social media platforms like WhatsApp etc. People were given the impression that these companies were to cater to the demand of power plugs in India for charging of electric vehicles and out of the profits of the company, it would share revenue with the investors and within 30-35 days, the money would be doubled. During the investigation Cyber Crime Unit came across two mobile apps., that is, Power Bank and EZ Plan and while Power Bank App. was available on Google Play Store, the EZ Plan App. was available on the website www.ezplan.in. The returns were offered on an hourly and daily basis and had investment options starting from 300 to several lakhs.

4. The forensic analysis of the Power Bank App. revealed that it projected itself as a Bengaluru based Technology Start-Up involved in quick charging technology, however, the server on which the app. was hosted was found to be based in China. The app. also accessed the camera, external storage etc. and read the contact details of the phone. Once the user was registered on the apps. he/she was repeatedly induced to invest money to earn high returns. The app. also induced users to invite their friends and relatives to join the app. and once someone invested large amount their account was blocked by the app. thus causing financial loss to the person investing.

5. Therefore, the payment gateways, that is, UPI IDs, transaction IDs and bank accounts etc. used by the people indulging into these activities were identified and analysed along with the connected mobile numbers and the companies where the cheated money was transferred. It was revealed that the accused persons, created a web of around 25 shell companies for routing the money received from the fraudulent transactions. Details of the Directors of the shell companies were obtained and reconnaissance operations were carried out and, in this regard, simultaneous raids were conducted at West Bengal, Delhi/NCR and nine persons were arrested including two Chartered Accountants, namely, Avik Kedia, a resident of Gurgaon and Rounak Bansal, the petitioner herein, a resident of Katwaria Sarai, Delhi.

6. The role assigned to the petitioner Rounak Bansal, who is the Chartered Accountant is that the petitioner worked with Arvind Gupta and the petitioner was in touch with some Chinese people. Petitioner with the help of Arvind Gupta changed the Directors of the company DIDA Tech., who were initially, Umakant, Akash and Abhishek and substituted Directors, namely, Hariom and Ved Chandra, who were their known and neighbours and used their documents and thereafter this company was used by the Chinese for circulating the money. As per the investigation carried, the petitioner Rounak Kumar Bansal received a sum of 50,000/- as consideration for the transfer of the company into the name of Hariom and Ved Chandra. Further, IP address details received from the RBL Bank regarding the online account function of DIDA Tech. Pvt. Ltd. was found to be in the name of one Vishnu Kumar Bansal, accountant who is the father of Rounak Kumar Bansal. Though, it is claimed in the investigation that the petitioner operated this bank account of DIDA Tech. in RBL Bank on 21st May, 2021, 22nd May, 2021 and 1st June, 2021, however, the balance sheet reveals that the last operation in this account was on 17th May, 2021. It appears that on coming to know of the gravity of offence, the petitioner tried to check up when this operation of the bank account on 21st May, 2021, 22nd May, 2021 and 1st June, 2021 is reflected, though their appears to be no transaction. Further, allegation against the petitioner Rounak Bansal is that the two Directors substituted i.e. Hariom and Ved Chandra had nothing to do with the company and were put by the petitioner which company was then used for routing the funds to other company. From the investigation carried out so far it has not been revealed that from any of the transactions, the petitioner Rounak Kumar Bansal received any financial benefit except for this remuneration for removal of the Directors of the company DIDA Tech. Pvt. Ltd. and for substitution of the Directors Hariom and Ved Chandra.

7. As regards the role assigned to S. K. Robin is concerned, it is stated that the petitioner acted as the OTP provider for the different gateways. On analysis of certain UPI numbers, it was found that they were connected with the common mobile number 6289820051 through message only and the said mobile number was in the name of the present petitioner. The investigation further revealed that various numbers used for UPI payments were being used by S.K. Robin while he was stationed at Howrah, West Bengal. Various IMEI numbers were used which belonged to various peoples residing in different parts of India but after opening accounts and after opening the UPIs their location shifted to Uluberia area Howrah, West Bengal and most of UPIs were used by S. K. Robin. During investigation, the petitioner revealed that he was in touch with some Chinese people through Telegram and WhatsApp and that they were having telegram numbers of Combodia. They used to send money to him for purchasing mobiles, bank documents and sim cards through courier services.

On receipt of OTPs, he used to share the same with the Chinese people who would thereafter transfer the money to their gateways. The chats recovered from the mobile phone of the petitioner S. K. Robin revealed images which showed that Robin was managing the UPI transactions through large number of bank accounts and using large number of mobile phones with SMS Monitoring App and sending important information UPI-ID, internet banking IDs, passwords, debit card numbers and their CVV numbers, OTPs, etc. to the Chinese companies. After the arrest of S. K. Robin 33 mobile phones were recovered from him and he had the custody of 69 bank account documents.

8. The role assigned to S.K. Ramizuddin Nawaz was that S. K Robin had also given bank account of one of his known person, namely, S.K. Ramizuddin Nawaz and on perusal of the Ramizuddin Nawaz's bank details it was found that a sum of 24 lakhs was transferred, which was further re-transferred to the main accounts of the Chinese people.

9. Considering the role assigned to the Rounak Kumar Bansal and S.K. Ramizuddin Nawaz and that they are in custody since 2nd June, 2021, this Court deems it fit to grant regular bail to these two petitioners. It is therefore, directed that Rounak Kumar Bansal and S.K. Ramizuddin Nawaz be released on bail on their furnishing personal bonds in the sum of 50,000/- each with two surety bonds each of the like amount to the satisfaction of the learned Trial Court/CMM/Duty Magistrate, further subject to the condition that the petitioners will not leave the country without the prior permission of the court concerned and in case of change of residential address and/or mobile phone number the same will be intimated to the court concerned by way of an affidavit. Considering the role assigned to the petitioner S.K.Robin, this Court does not find it a fit case to grant bail to him.

10. Consequently, BAIL APPLN. 4203/2021 and BAIL APPLN. 4376/2021 are disposed of and BAIL APPLN. 4368/2021 is dismissed.

11. Order be uploaded on the website of this Court.

MUKTA GUPTA, J JANUARY 28, 2022 MK