

मयंक गोयल  
MAYANK GOEL

अतिरिक्त मुख्य न्यायिक दण्डाधिकारी-02  
Additional Chief Judicial Magistrate -02  
एवं न्यायिक दीवानी न्यायाधीश  
cum-Admn. Civil Judge  
राउज़ ऐवेन्यू जिला न्यायालय, नई दिल्ली  
Rouse Avenue District Courts, New Delhi

29.12.2025

RC-231/2025/S0005  
PS: CBI/IOD/New Delhi  
DAKSHAY SETHI vs. CBI

Present: Ms. Saloni, Ld. PP for the CBI.  
IO/Inspector Gaurav Malik, CBI, IOD, New Delhi in person.  
Sh. Arjun Syal and Sh. Naman Verma, Ld. counsels for the accused/applicant Dakshay Sethi.

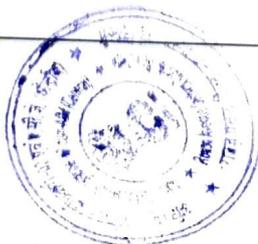
1. This order shall dispose of an application filed on behalf of accused/applicant **Dakshay Sethi** seeking directions to the CBI withdrawal/recall the Look Out Circular (LOC) issued against him and for permission to travel abroad.
2. In the application, it is stated that the applicant is an accused in the present matter; that the allegations in the FIR relate to a trans-national cybercrime involving an alleged illegal call centre; that the applicant has been falsely implicated in the said FIR; that the applicant is a law abiding Indian citizen and is permanently residing at Gurugram, Haryana; that the allegations against the applicant is based solely on disclosure statements of co-accused persons which is inadmissible evidence and have not been corroborated by any recovery or credible evidence; that no incriminating evidence was found against the accused/applicant; that vide order dated 03.12.2025 of Ld. Principal District and Sessions Judge, RADC, New Delhi, the accused/applicant was granted anticipatory bail subject to the conditions that he shall join the investigation without unnecessary delay as and when called upon, shall not leave the country without permission of the court and shall not tamper with the evidence; that the applicant has been called upon to join investigation and has complied with



all notices issued by the investigating agency; that the applicant has duly appeared before the Investigating Officer when required and has cooperated fully with the investigation. It is further stated that the charge-sheet was not filed within 90 days and other co-accused(s) were granted default bail/regular bail in the present matter; that the applicant is aged about 34 years and family to take care; he has no criminal antecedents, strong roots in the society and carries a legitimate business in real estates and hotels.

3. It is further stated that the accused/applicant is also seeking permission to travel to Dubai, UAE for the purpose of various business meetings w.e.f. 28.12.2025 till 31.01.2026, however, the pendency of the LOC is causing hindrance in such travel and may cause grave and irreparable harm to the accused/applicant. It is further stated that if the permission to travel abroad is not granted, it will cause grave harm to the livelihood of the applicant and the applicant will incur huge losses in his business; that the accused/applicant undertakes to comply with all terms and conditions imposed by the court in this regard. Hence, the present application be allowed.

4. Ld. counsel for the applicant/accused, in support of his contentions, has relied upon various judgments (**though not filed on record**) titled as '*Sumer Singh Salkhan vs. Asstt. Director & Ors., 2010 Vol. VI Delhi 706*'; '*Rana Ayyub vs. Union Of India & Anr., 2022 SCC OnLine Del 961*'; '*Vikas Chaudhary v. UOI & Others (2022) 1 HCC (Del) 124*'; and '*Sathish Babu Sana vs. CBI 2022 SCC Online Del 277*'; '*Chandran Ratnaswami v. K.C. Palanisamy (2013) 6 SCC 740*'; '*Kishan Lal Chawla & Others v.*



*State of Uttar Pradesh & Another (2021) 5 SCC 435*; '*Satish Chandra Verma vs Union of India, 2019 SCC Online SC 2048*' and '*Hukum Chand Shyam Lal vs. Union of India (1976) 2 SCC 128*'.

5. The application is contested by the prosecution. In its reply, it is stated that during the search conducted at residential premises of applicant/accused on 24.11.2025, he was not found available at his house. as such, a notice u/s 179 BNSS was served asking him to join investigation on 01.12.2025. However, despite service of notice, he deliberately avoided his presence before the investigating agency and did not join investigation. Later, he secured anticipatory bail from the Hon'ble court of Special Judge (PC Act) CBI-21, RADC, New Delhi vide order dated 03.12.2025 and only then he returned to India from Dubai on 09.12.2025 and appeared before the investigating agency on 10.12.2025 with the sole intent of marking his presence before the investigating agency. When he was examined, he did not reveal complete facts which are within his exclusive knowledge. When he was confronted with the facts and evidence gathered during the course of investigation, he gave evasive and misleading replies. The said conduct of the applicant/accused clearly shows his non-cooperative attitude. Therefore, the contention of the applicant/accused that he has appeared before the IO when required and has cooperated fully with the investigation are totally false and an attempt to mislead the court. Hence, the application be dismissed.



6. I have considered the submissions of Ld. counsel for the accused/applicant and Ld. PP for the CBI and have gone through the records.

7. The present FIR came to be registered at International Operation Division of CBI on 18.08.2025 for offence u/s 61 r/w 318, 336, 338, 339 and 340 of BNS 2023 as well as u/s 66D of I.T. Act 2000 against accused persons namely Jigar Ahmad, Himanshu Jain, Prakash Kaushal, Saurabh Gill and others. It is alleged that accused Jigar Ahmad, Himanshu Jain, Prakash Kaushal, Saurabh Gill, Akshay Mahajan etc. in criminal conspiracy with each other as well as with certain unknown persons have been operating a network of trans-national cyber enabled financial crime by way of running illegal call centre at New Delhi, Punjab and other parts of India since 2023 and targeting US citizens online under pseudonymous identities and subjecting them with tech fraud/impersonation fraud/theft. It is alleged that US citizens were being targeted online, through pop up messages blocking their computer screens and displaying a number to be contacted for resolution. When victims contacted on given numbers, accused persons under pseudonymous identities of officers of IRS, SSA, FBI and other agencies falsely informed victims that their bank accounts have been compromised, as a result of identity theft and their retirement and investment accounts held at different financial institutions were prone to risk. Such victims were required to carry out verification of their bank accounts else they would risk losing their funds. Accused persons induced the victims to liquidate their accounts and transfer their financial assets.



8. It is further alleged that accused persons would secure the remote access of computer system of the victims through remote access apps like "Ultraviewer" and "AnyViewer" and then induced the US national victims that they would withdraw money from their accounts and transfer the same to unchained accounts or deposited the same in the form of crypto currencies, BTC or in crypto accounts provided by the accused. In this way accused persons have defrauded the US victims to the tune of 40 million US Dollars including two named US victims. It is also alleged that US victims had been contacted online by virtual telephone numbers 855-518-3497, 425-606-3122, 425-954-8632, 425-331-5263, 530-746- 8609 and 714-364-3370 as well as IP addresses 110.235.217.11,110.235.217.40,146.196.33.6,110.235.217.41,103.106.30.55,160.202.38.61,106.219.155.203,106.221.109.195,223.233.83.38, 223.233.83.162, 103.72.170.243, 103.72.170.244, 112.196.93.109 and 112.196.93.107. Certain IP addresses 110.235.217.11, 110.235.217.40,110.235.217.41, 103.106.30.55, 160.202.38.61,146.196.33.6,106.219.155.203, 106.221.109.195, 223.233.83.38, 223.233.83.162 were assigned by the Indian service providers and were operational from New Delhi during the relevant period. It is mentioned that the IP addresses 103.72.170.243, 103.72.170.244, 112.196.93.109 and 112.196.93.107 were assigned by Indian service providers in favour of M/s Digikaps the Future of Digital, a proprietary concern of accused Saurav Gill and internet lease lines against these IP addresses are installed at Global Tower, Opp. Khalsa College of Women, GT Road, Amritsar, Punjab since 13.03.2023. After the registration of the present case searches were conducted at the premises of M/s Digikaps the Future of



Digital at Amritsar and during the search 34 accused persons were found working in that illegal call centre and different digital devices were seized during search. Accused/applicants however are not among those who are arrested from said call centre. It is alleged that fake documents impersonating as officers of Federal Trade Commission, USA was prepared to induce US victims on the basis of such fake/false documents and thereby those victims were induced to liquidate a portion of his stocks from Charles Schwabe into cash and deposited the same at Bank of America and JP Morgan Chase.

9. In the case of '*Sumer Singh Salkan vs. Asstt. Director & Ors, W.P (Crl.) No. 1315/2008 dated 11.08.2010*' decided by Hon'ble High Court of Delhi, Hon'ble High Court while answering the questions raised in the reference passed following remarks: -

***"A. Recourse to LOC can be taken by investigating agency on cognizable offences under IPC or other penal laws, where the accused was deliberately evading arrest or not appearing in the trial court despite NBWs and other coercive measures and there was likelihood of the accused leaving the country to evade trial/arrest.***

***B. The investigating Officer shall make a written request for LOC to the officer as notified by the circular of Ministry of Home Affairs, giving details & reasons for seeking LOC. The competent officer alone shall give directions for opening LOC by passing an order in this respect.***

***C. The person against whom LOC is issued must join investigation by appearing before I.O or should surrender before the court concerned or should satisfy the court that LOC was wrongly issued against him. He may also approach the officer who ordered issuance of LOC & explain that LOC was wrongly issued against him. LOC can be withdrawn by the authority that issued and can also be rescinded by the trial court where the case is pending or having jurisdiction over concerned police station on an application by the person concerned.***

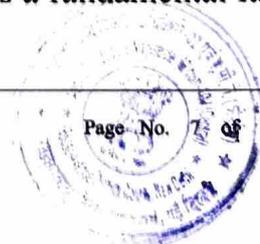


*D. The LOC is a coercive measure to make a person surrender to the investigating agency or court of law. The subordinate courts jurisdiction in affirming or cancelling LOC is commensurate with the jurisdiction of cancellation of NBWs or affirming NBWs."*

10. As per the law laid down in '*Sumer Singh Salkan vs. Asstt. Director & Ors. (supra)*', it was held that the person against whom LOC is issued must join investigation by appearing before the IO or surrender the court concerned or should satisfy the court that LOC was wrongly issued against him and that the LOC can be rescinded by the trial court where case is pending on an application of the person concerned. The LOC is a coercive measure to make a person surrender to the investigating agency or court of law. The purpose of the LOC is mainly to ensure the presence of the concerned person before the Investigation Agency or the court. It is the trial court which has jurisdiction in affirming or canceling the LOC in commensurate with the jurisdiction of cancellation of NBWs or affirming NBWs.

11. It is clear that LOC can be issued by the competent authority on the application moved by the investigating agency in cognizable offences, where the accused was deliberately evading arrest or not appearing in trial court despite NBWs and other coercive measures and there are apprehensions that the accused may evade trial or arrest.

12. In **Maneka Gandhi vs Union of India (1978) 1 SCC 248** it was held that no fundamental right including right to travel abroad can be impinged by the state action without following due process of law as the right to travel abroad is a fundamental facet



of personal liberty and is protected by Article 21 of Constitution of India.

13. Apparently, LOC was issued against accused/applicant in violation of law laid down by the Hon'ble Delhi High Court in '*Sumer Singh Salkhan vs. Assistant Director & Ors.*' (2010) ILR 6, Delhi 706 and other judgments.

14. There is nothing on record or in the reply filed by the CBI/prosecution which would suggest that accused/applicant had not joined the investigation or had not cooperated or had tried to flee from India after joining of investigation on 10.12.2025. The accused/applicant had joined the investigation; the accused/applicant was never arrested by the agency during the investigation till today. The apprehension raised by the CBI that he may flee from the country to evade the trial has no basis and appears to be mere apprehension without any sufficient grounds as the accused/applicant had immediately joined the investigation after grant of anticipatory bail. As per the application, the accused/applicant has been residing with his family in Gurugram, Haryana having deep roots in the society and has been travelling abroad on the regular basis in the past. In order to ensure the presence of the accused during the trial, conditions may be imposed so that a balance is struck between the apprehension of the CBI/Prosecution *vis-a-vis* right of accused/applicant to travel abroad. Some of the co-accused(s) have already been granted anticipatory bail/regular bail/default bail in the present matter; there is no evidence against the accused/applicant except the disclosure statements; that vide order dated 03.12.2025 of Ld.

Special Judge (PC Act), CBI-21, RACC, New Delhi, the accused/applicant Dakshay Sethi was granted anticipatory bail. In these circumstances, there is no reason to deprive the accused/applicant of his right to personal liberty.

15. Considering the facts and circumstances of this case and the law laid down by the Hon'ble Courts, this court is of the view that issuance of LOC is not justified against the accused/applicant. Therefore, the LOC issued against the accused/applicant is hereby withdrawn/recalled subject to the conditions that the applicant shall join and cooperate in the investigation as and when called upon to do so by the investigating agency; the accused/applicant shall not leave the country without prior permission of this court and without furnishing complete details/itinerary and his contact details for which he would be at liberty to move separate application.

16. Further, the accused/applicant Dakshay Sethi is permitted to visit Dubai, UAE w.e.f. 01.01.2026 to 31.01.2026 subject to the following conditions: -

- (i) The applicant/accused shall furnish FDR in sum of Rs. 25,00,000/- (Rupees Twenty Five Lakhs) and surety bonds in the sum of Rs. 5,00,000/- (Rupees Five Lakhs) with one surety in the like amount. The personal and surety bond shall be executed by the accused/applicant and the surety by physically appearing before the court.
- (ii) The applicant/accused shall not tamper with the evidence or try to influence the witnesses in any manner or hamper the probe.
- (iii) The applicant/accused shall not seek extension of his stay abroad on any ground whatsoever.

- (iv) That the accused/applicant shall report to the court within 48 hours after his return from abroad.
- (v) That the applicant/accused shall be represented through his vakalatnama counsel before the court during the abovesaid period.
- (vi) Detailed itinerary shall be furnished by the applicant/accused alongwith his mobile number and email address.

17. It is clarified that this order shall become operational only upon furnishing of the personal bond and surety bond and filing of itinerary as well as FDR as above.

18. *Accordingly, instant application stands disposed of.*

19. Copy of this order be given dasti, as prayed for.

20. Copy of this order be sent to IO/HIO/SP concerned for his information and necessary action.



  
(Mayank Goel)  
ACJM-02-cum-ACJ  
Duty ACJM/RADC/New Delhi

29.12.2025  
ACJM-02-cum-ACJ  
Rouse Avenue Court Complex  
Room No. 205  
New Delhi