



2026:DHC:176



\$~38

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% *Date of Decision: 09.01.2026*

+ **BAIL APPLN. 85/2026**

ADITYA SHARMA

.....Petitioner

Through: Mr. Keshav Kant Sharma &
Mr. Swaraj Maurya,
Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Manoj Pant, APP for the
State.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

DR. SWARANA KANTA SHARMA, J. (Oral)

CRL.M.A. 745/2026 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

BAIL APPLN. 85/2026

3. By way of the present application, the applicant seeks grant of anticipatory bail in case arising out of FIR bearing no. 295/2025, registered at Police Station Special Cell, Delhi for the commission of offences punishable under Sections 61/112 of the Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS').
4. Issue notice. The learned APP accepts notice on behalf of the State.
5. Briefly stated, the facts of the case are that on 26.11.2025,



2026:DHC:176



officials of P.S. Special Cell had received secret information that certain persons were operating a cyber-fraud gang from Hotel Imperial Residency, Dwarka, Delhi, and were clandestinely using bank accounts for fraudulent transactions. Acting upon the said information, a raid was conducted at the hotel, pursuant to which four persons, namely Sultan Salim Sheikh, Syed Ahmed Chaudhary @ Pathan @ Shahid, Tushar Maliya and Satish Kumar, were apprehended from Room No. 105 of the said hotel. During investigation, the aforesaid persons disclosed that they were providing bank accounts to cyber-fraudsters on commission basis and were staying at the said hotel under the arrangement of their handlers, while frequently shifting locations to evade law-enforcement agencies. One of the accused, Sultan Salim Sheikh, revealed that he had opened a current account bearing No. 925020051633707 with Axis Bank about a month prior, at the instance of co-accused Dr. Abdur Rahman, on the assurance of receiving 25% commission on the fraudulent transactions carried out through the said account. Examination of the bank statement and notifications found on his mobile phone revealed that within a short span from 21.11.2025 to 26.11.2025, the account had been used for over 10,000 transactions, through which an amount exceeding ₹5.24 crores had been routed. Further investigation had revealed that a charitable trust in the name of “Khidmat a Khalaq Education and Health Charitable Trust” had been created by certain co-accused persons, in whose name bank accounts were opened and thereafter sold to cyber-fraudsters for commission. The said Axis Bank account of the trust was found to be



2026:DHC:176



involved in multiple cyber-fraud complaints registered across various States. During the course of investigation, the role of the present applicant Aditya Sharma had surfaced. It had come on record that he was in contact with several co-accused persons and had acted as a key facilitator in the operation of the cyber-fraud racket. The applicant had arranged flight tickets for co-accused who travelled to Delhi to execute the fraud, had financed and routed commission amounts through intermediaries, and had operated through other associates, including Sanjay @ Rocky. It was further revealed that commission amounts were transferred to co-accused Tushar Maliya, who thereafter distributed the same among other members of the gang. Digital evidence also indicated that the applicant had used a foreign-based WhatsApp number to conceal his identity while coordinating with co-accused. Several mobile phones were recovered from the arrested accused persons, containing incriminating chats, bank credentials and transaction details. A video clip recovered during investigation showed the accused persons demanding commission for the use of the fraud account in the presence of the applicant. The analysis of electronic devices and digital data, running into a substantial volume, is stated to be ongoing.

6. The learned counsel appearing for the applicant argues that the applicant has been falsely implicated in the present case and is not named in the FIR, his name having surfaced only at a later stage on the basis of disclosure statements of the co-accused persons, which, by themselves, have no evidentiary value. It is contended that the



applicant has no direct or indirect association with the arrested accused, i.e. Satish Kumar and Tushar Maliya, and that mere booking of flight tickets for certain persons does not establish active participation in any cybercrime. The learned counsel further submits that no proceeds of crime have ever been credited to the bank account of the applicant or any of his family members. It is asserted that the allegation regarding transfer of money to co-accused Tushar Maliya is incorrect, as the applicant was never present in Jaipur on the alleged date. It is also contended that the learned Sessions Court has erred in drawing adverse inferences from a video clip, as the applicant neither demanded nor shared any commission, and his presence has been wrongly construed. It is further urged that the applicant is a young man of about 22 years, a recent Computer Science Engineering graduate, having no criminal antecedents, and is presently preparing for the GATE 2026 examination. According to the learned counsel, the applicant is more in the nature of a competent witness who can assist the investigating agency rather than an accused, and his custodial interrogation is not warranted. On these grounds, the learned counsel prays that the applicant be granted bail.

7. The learned APP for the State strongly opposes the grant of bail to the applicant, and argues that the investigation has revealed *prima facie* material showing the active and conscious involvement of the applicant in an organised cyber-fraud racket. It is argued that digital evidence, including a video clip dated 24.11.2025, clearly shows the presence of the applicant with the co-accused at a relevant



2026:DHC:176



place, which establishes his association with the gang. The learned APP further submits that chats recovered from the mobile phone of co-accused Tushar Maliya contain repeated references to “Aditya”, who was communicating through a foreign (Mexico-based) WhatsApp number, and the contents of such chats pertain to procurement and use of bank accounts for cyber fraud. It was contended that the said electronic evidence corroborates the prosecution case that the applicant was coordinating transactions, commission payments and operational aspects of the fraud. It is also contended that the custodial interrogation of the applicant is necessary for recovery of electronic devices, tracing the proceeds of crime, and uncovering the larger network, including the associates who are absconding. It is also stated that the applicant has deliberately evaded arrest and failed to join the investigation despite service of notices. In these circumstances, it is submitted that grant of bail to the applicant would seriously prejudice the investigation and enable the applicant to tamper with evidence or evade the process of law.

8. This Court has **heard** arguments addressed on behalf of the applicant as well as the State, and has perused the material available on record.

9. The case of prosecution, in a nutshell, pertains to an organised and well-coordinated cyber-fraud operation wherein bank accounts, including those opened in the name of a charitable trust, were allegedly procured and sold to cyber-fraudsters for commission.



2026:DHC:176



Acting on secret information, the police had apprehended four co-accused persons from a hotel in Dwarka, who allegedly disclosed that they were providing bank accounts for commission of cybercrimes and were operating under the directions of their handlers while frequently changing locations to evade the police. One Axis Bank account was found to have been used for more than 10,000 transactions within a short span, involving an amount exceeding ₹5.24 crores, and was further found to be linked with multiple cyber-fraud complaints across various States.

10. During the course of investigation, the role of the present applicant, Aditya Sharma, surfaced. This Court notes that the material placed on record at this stage *prima facie* suggests that the applicant herein acted as a facilitator and coordinator within the cyber-fraud syndicate. The investigation so far has revealed that the applicant had arranged flight tickets for co-accused persons Satish Kumar, Sayed Ahmad Choudhary and Sultan Salim Sheikh, who travelled to Delhi on 18.11.2025 and stayed at the hotel in Dwarka allegedly for execution of the fraudulent activities.

11. It has further come on record that the applicant served as a link between different co-accused persons, including introducing co-accused Sayed Ahmad Choudhary @ Pathan @ Shahid to co-accused Tushar Maliya, and facilitating their coordination. This Court further notes that the investigation discloses a specific financial link between the applicant and co-accused Tushar Maliya, inasmuch as on 21.11.2025, the applicant had transferred an amount of ₹50,000/-



2026:DHC:176



from HDFC Bank, Vidhyadhar Nagar, Jaipur to the bank account of co-accused Tushar Maliya. The material on record further indicates that the said amount formed part of the operational funds, and the commission received by co-accused Tushar Maliya from the cyber-fraud transactions was thereafter distributed among other co-accused persons. The investigation also reflects that the applicant had operated through intermediaries, including co-accused person Sanjay @ Rocky, who was acting on the instructions of the applicant and other co-accused persons.

12. Further, digital evidence collected during investigation indicates that the applicant was communicating with co-accused persons through a foreign-based WhatsApp number, apparently to conceal his identity, and the contents of such communications relate to the use and operation of bank accounts for cyber-fraud. In addition, chats recovered from the mobile phone of co-accused Tushar Maliya contain repeated references to “Aditya” i.e. present applicant in the context of cyber-fraud operations. In this Court’s opinion, these materials, when viewed cumulatively, are sufficient at this stage to *prima facie* show a nexus between the applicant and the commission of the alleged offence. This Court also notes that the prosecution has relied upon a video clip dated 24.11.2025, recovered during investigation, which *prima facie* shows the applicant in the company of co-accused persons at a relevant place when issues concerning commission for use of the bank account were being discussed. In view of such material collected during investigation, the



2026:DHC:176



contention raised on behalf of the applicant that he has been implicated merely on the basis of disclosure statements or that mere booking of tickets or transfer of funds cannot constitute involvement does not find favour with this Court at this stage.

13. It is also a matter of record that the applicant has failed to join the investigation despite service of two notices and has been evading arrest. The investigation is at a crucial stage involving analysis of digital data, recovery of electronic devices, tracing of proceeds of crime, and identification of other co-accused persons. The use of a foreign WhatsApp number further raises serious concerns which, in this Court's opinion, necessitate custodial interrogation to unearth the technical aspects and the larger conspiracy in the present case.

14. Therefore, having regard to the gravity and nature of the offence, the organised manner in which the alleged cyber-fraud has been committed, the prima facie material available against the applicant, this Court is of the considered view that no ground is made out for grant of bail at this stage.

15. Consequently, the present bail application stands dismissed.

16. It is however clarified that the nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

17. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

JANUARY 09, 2026/zp

T.D.