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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010034982026

+ **BAIL APPLN. 475/2026**

PRANAV SHINDE

.....Petitioner

Through: **Mr. Atharva Kotwal, Advocate.**

versus

STATE OF NCT OF DELHI

.....Respondent

Through: **Ms. Shubhi Gupta, APP for State.
SI Manjeet Singh, IFSO/ Special Cell.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **03.09.2026**

1. The applicant by way of the instant application seeks for anticipatory bail in connection with FIR No. 331/2024 for offences under Sections 318/319 of the Bharatiya Nyaya Sanhita, 2023 (BNS) registered at Police Station Special Cell, Delhi.

2. Mr. Atharv Kotwal, learned counsel appearing for the applicant submits that there is nothing incriminating against the applicant and that he is innocent. It is submitted that, in the absence of any cogent evidence connecting the applicant with the alleged offence, his implication in the present case is wholly unjustified. Learned counsel submits that the applicant has been implicated primarily on the basis of the statement of one



Rahul Devgade, who has stated that the account in question was opened against consideration of Rs. 25,000/- purportedly paid by the present applicant. It is, thus, submitted that such a statement, by itself, cannot constitute a sufficient basis for taking the applicant into custody, particularly in the absence of any independent or corroborative material connecting him with the alleged offence.

3. In order to overcome the declaration of the applicant as a proclaimed person, learned counsel for the petitioner has placed reliance upon the decision of the Supreme Court in **Asha Dubey vs. The State of Madhya Pradesh**.¹ It is contended that the position of a proclaimed offender is distinct from that of a proclaimed person and that, in **Asha Dubey**(supra), the Supreme Court has categorically held that a declaration under Section 82 of the Code of Criminal Procedure, 1973 (Cr.P.C.) would not, in every case, operate as an absolute embargo upon consideration of an application for grant of anticipatory bail. It is, thus, contended that, in view of the facts and circumstances of the present case, the applicant is entitled to the protection of anticipatory bail.

4. The aforesaid submissions are opposed by Ms. Shubhi Gupta, learned APP appearing for the State. She has taken the Court extensively through the status report and submits that, when the police visited the applicant on 17.07.2025, the applicant allegedly fled from the spot by jumping from the roof of the house. It is further submitted that, on the very same day, the police authority served a notice upon the applicant's father requiring the applicant to join the investigation on 21.07.2025. It is, thus, contended that, despite the said direction, the applicant neither joined the investigation nor

¹2024 SCC Online 5633



contacted the police telephonically to furnish any explanation for his non-appearance. It is further contended that, thereafter, the applicant switched off his mobile number 9637787872 in order to evade tracking by the police.

5. Thereafter, non-bailable warrants (NBWs) were issued against the applicant, and proceedings under Section 84 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) were initiated. Pursuant thereto, the applicant was declared a proclaimed person *vide* order dated 15.01.2026 passed by the learned Chief Judicial Magistrate (CJM), Patiala House Courts. However, prior thereto, the applicant's application for anticipatory bail had already been rejected by the learned Trial Court.

6. I have considered the aforesaid submissions and have perused the record.

7. The facts of the case would indicate that the complainant, Pawan Kumar, lodged a complaint alleging that he had been cheated of a total sum of Rs. 85,00,000/- on the pretext of investment in the stock market. The said amount was transferred into eight bank accounts maintained in different names and in the names of different entities. On the basis of the aforesaid complaint, the FIR in question came to be registered.

8. During the course of investigation, one of the accounts into which an amount of Rs. 3,10,000/- had been transferred was found to be maintained in the name of M/s RS Traders, owned by one Rahul Devgade. A notice was accordingly served upon Rahul Devgade requiring him to join the investigation. However, he failed to join the investigation, pursuant to which non-bailable warrants (NBWs) were issued against him. He was subsequently arrested from Kolhapur on 15.07.2025.

9. During his police custody, Rahul Devgade, in his statement, disclosed



the name of the present applicant and stated that the account in question had been opened at the instance of the applicant, for which he had received a sum of Rs. 25,000/- as commission. It is, however, pertinent to note that Rahul Devgade was subsequently granted regular bail by the competent Court.

10. If the aforesaid facts and circumstances, as narrated hereinabove, are considered in their proper perspective, they would indicate that the complicity of the applicant has primarily emerged on the basis of the disclosure statement made by Rahul Devgade. At this stage, such disclosure statement, by itself, ought not to be treated as the sole basis for taking the applicant into custody, in view of the law laid down by the Supreme Court in ***P. Krishan Mohan Reddy v. State of Andhra Pradesh***.² This Court, however, has also considered the overall facts and circumstances of the case, particularly the conduct of the present applicant.

11. The nature and gravity of the offence, as well as the stage and requirements of the investigation, are relevant factors which the Investigating Agency and the Court are required to take into consideration. The present case pertains to an alleged cyber fraud, which has become increasingly rampant in the present scenario. Such offences often involve the opening and use of mule accounts, through which the defrauded amounts are transferred and subsequently withdrawn or routed through multiple accounts, ultimately reaching the actual beneficiaries. There are, thus, multiple layers involved in the commission and tracing of such offences. In such circumstances, the Investigating Agency may, at times, be constrained in effectively unravelling the entire money trail and identifying the persons

² 2025 SCC OnLine SC 1157



ultimately benefitting from the proceeds, unless the persons suspected of involvement extend due cooperation in the investigation.

12. It has come on record from the statement of Rahul Devgade that, after the account was opened at the instance of the present applicant, the barcode and other details generated in relation to the said account were handed over to the present applicant. The prosecution alleges that an amount of Rs. 3,10,000/- was transferred into the said account and was thereafter transferred to a second layer account holder, who, was found to be based in Chennai.

13. The link between the present applicant and the second layer account holder in Chennai is required to be established through further investigation and interrogation of the applicant. At this stage, the prosecution case does not appear to have progressed sufficiently in the absence of the applicant's cooperation. The applicant's further interrogation may, therefore, be necessary for unravelling the money trail and establishing the chain of transactions and the persons involved therein.

14. Sufficient opportunities were afforded to the applicant to cooperate with the Investigating Agency. A notice was served upon the applicant's father requiring the applicant to join the investigation. Despite the same, the applicant failed to appear before the Investigating Agency. Thereafter, proceedings under Section 84 of BNSS were initiated against the applicant.

15. Pursuant to the said proceedings, notice was published on 12.12.2025 in two newspapers, namely, *The Indian Express*, an English daily, and *Sakaal*, a local newspaper. The applicant came to know of his alleged complicity in the present case on 17.07.2025. However, despite having knowledge thereof, he remained unavailable for approximately seven



months and thereafter approached the Court by filing the present application for anticipatory bail.

16. The order declaring the applicant as a proclaimed person has neither been challenged nor assailed by the applicant. There is also no satisfactory explanation as to why the applicant, despite having knowledge of his alleged involvement and having been called upon to join the investigation, did not appear before the Investigating Agency and cooperate with the investigation.

17. The Supreme Court, in **Srikant Upadhyay & Ors. vs. State of Bihar & Anr.**³, has clearly held that once a warrant of arrest or a proclamation has been issued against an accused, the accused ordinarily cannot invoke the extraordinary jurisdiction of the Court for grant of anticipatory bail. Though the said decision does not lay down an absolute bar, as subsequently clarified in **Asha Dubey**(supra), the grant of pre-arrest bail in such circumstances must be confined to exceptional cases where the accused is able to satisfactorily justify his conduct and establish his bona fides. It is also pertinent to note that **Asha Dubey**(supra) arose in the context of an applicant who was the mother-in-law of the deceased, and the circumstances therein were considered in that backdrop.

18. The Supreme Court in **State of Gujarat v. Mohanlal Jitmalji Porwal and Anr.**,⁴ noted that unlike a conventional crime, which may be committed owing to the rise of passions, an economic offence is committed with cool calculation and deliberate design with a complete disregard for the community and the victims. Paragraph no. 5 of the said decision reads as under:

³2024 INSC 202

⁴(1987) 2 SCC 364.



“5. ... The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to book. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the community. A disregard for the interest of the community can be manifested only at the cost of forfeiting the trust and faith of the community in the system to administer justice in an even-handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the national economy and national interest. The High Court was therefore altogether unjustified in rejecting the application made by the learned Assistant Public Prosecutor invoking the powers of the Court under Section 391 of the Code of Criminal Procedure. We are of the opinion that the application should have been granted in the facts and circumstances of the case with the end in view to do full and true justice. The application made by the learned Assistant Public Prosecutor is therefore granted. The High Court will issue appropriate directions for the recording of the evidence to prove the report of the Mint Master under Section 391 CrPC when the matter goes back to the High Court and is listed for directions. The appeal is therefore allowed. The order of acquittal is set aside. The matter is remitted to the High Court for proceeding further in accordance with law in the light of the above said directions.”

19. In **YS Jagan Mohan Reddy v. CBI**,⁵ the Supreme Court noted that economic offences constitute a separate class and a different approach needs to be adopted while considering the issue of grant of bail. The rationale being that such offences, *inter alia*, involve a huge loss of public funds:

“34. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep-rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.

35. While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility

⁵ (2013) 7 SCC 439.



of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations.”

20. Further, in **Anil Kumar Yadav v. State (NCT of Delhi)**,⁶ the Supreme Court noted as under:

*“17. While granting bail, the relevant considerations are: (i) **nature of seriousness of the offence**; (ii) character of the evidence and circumstances which are peculiar to the accused; and (iii) likelihood of the accused fleeing from justice; (iv) the impact that his release may make on the prosecution witnesses, its impact on the society; and (v) likelihood of his tampering. No doubt, this list is not exhaustive. There are no hard-and-fast rules regarding grant or refusal of bail, each case has to be considered on its own merits. The matter always calls for judicious exercise of discretion by the Court.”*

(Emphasis supplied)

21. In the present case, having regard to the overall conduct of the applicant, the material indicating his alleged complicity, and the nature and requirements of the investigation yet to be carried out, this Court is not inclined to extend the extraordinary relief of anticipatory bail to the applicant.

22. Accordingly, the application stands dismissed.

PURUSHAINDR KUMAR KAURAV, J

SEPTEMBER 3, 2026

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⁶ (2018) 12 SCC 129.