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

CNR No. DLHC010268612026

+ **BAIL APPLN. 2365/2026 and CRL.M.(BAIL) 1204/2026**

SHASHI PRASAD

.....Petitioner

Through: Mr. Rauf Rahim, Sr. Advocate with
Mr. Ali Sagar Rahim and Mr. Mohsin
Rahim, Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Ms. Shubhi Gupta, APP for State with
Insp. Kuldeep Kumar, IFSO Dwarka.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **01.09.2026**

1. This application has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 [**"BNSS"**] seeking regular bail in connection with FIR No.305/2025 [**'FIR in question'**] for the offence punishable under Section 318(4), 319(2), 61(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, Section 66D of the Information Technology Act, 2000 and Section 42 of the Telecommunications Act, 2023 registered at Police Station Special Cell, New Delhi.

2. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He also submits that there is no technical role, financial trail or victim link to the present applicant. It is alleged that he helped in arranging rental



premises. He further submits that the investigation is complete and the charge sheet has been filed, therefore, further custody of the present applicant is wholly unwarranted.

3. The applicant is stated to be a driver by profession. He facilitated one of his passenger getting rental premises. It is submitted that the applicant was completely unaware of *modus operandi* of the main conspirator. The applicant has already suffered about 8 months jail incarceration and the maximum punishment for the alleged offence is upto 7 years.

4. Submissions made on behalf of the application are vehemently opposed by learned APP for the State, who contends that the allegations are serious in nature. The instant case has an international connection and one Chinese national has already been arrested. She also submits that international calls were being terminated into the national calls in order to defraud the innocent victims of digital arrest.

5. The aforesaid *modus operandi* was used to commit the offence of digital arrest. It is, thus, contended that bearing in mind the gravity of the offence and the wider ramification, the applicant be not granted benefit of regular bail.

6. I have considered the submissions made by learned counsel for the parties and have perused the record.

7. The applicant is aged about 53 years and is a taxi driver by profession. It is alleged against him that he facilitated an illegal SIM BOX/GSM gateway setup being used by an organized cyber fraud syndicate operating from India as well as abroad. The police on receipt of the secret information found that illegal SIM BOZ devices were operational in the area of Goyla Dairy, Qutub Vihar, Delhi. It was also found that rental premises



bearing H No. D-243, Samta Enclave, Qutub Vihar, Phase-1 , Goyla Dairy, Delhi was being used for installing an illegal SIM Box Set up operations. The said premises was tenanted to the present applicant along with Parvinder (Co-accused). The FIR was registered and the applicant was arrested. During investigation, raids at various other premises were also conducted, and accordingly, multiple SIM BOXES along with Wi-fi router, CCTV cameras, inverter batteries were seized.

8. The case relates to operation of the organized cyber crime. The applicant, however, has no connection with any of the main conspirator. The main conspirator i.e. the Chinese National, has already been arrested. The investigation qua the present applicant has already been completed and the charge sheet against the present applicant has also been filed. The applicant has no other case of similar nature against him. The continued incarceration of the applicant is not warranted.

9. Bearing in mind the overall facts and circumstances, the Court deems it appropriate to allow the instant application. Accordingly, it is directed that the applicant be released on regular bail on such conditions as may be imposed by the concerned trial Court.

10. Nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

11. The application stands disposed of.

12. A copy of this order be also sent to the concerned Jail Superintendent for compliance.

PURUSHAINDRA KUMAR KAURAV, J

SEPTEMBER 1, 2026

Nc/Ad