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

+ **BAIL APPLN. 2848/2026 & CRL.M.A. 21502/2026**

DIPANKAR BHOWMICK

.....Petitioner

Through: **Mr. Brij Sugandh, Advocate.**

versus

**THE STATE GOVT. OF NCT OF DELHI
AND ANR.**

.....Respondents

Through: **Mr. Tarang Srivastava, APP with
SI Love Deswal.**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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23.07.2026

1. By way of this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks anticipatory bail in connection with FIR No. 82/2025, dated 19.09.2025, registered at P.S. Cyber Police Station (South-West), Delhi, under Sections 318(4), 319(2), 61(2) of the Bharatiya Nyaya Sanhita, 2023.

2. The petitioner had earlier sought anticipatory bail before the Sessions Court, which was dismissed by an order dated 11.06.2026. While the matter was pending before the learned Sessions Court, the Investigating Officer had filed two replies to the bail application, which are on record.

3. I have heard Mr. Brij Sugandh, learned counsel for the petitioner, and Mr. Tarang Srivastava, learned Additional Public Prosecutor for the State.



4. The prosecution case, as it emerges from the aforesaid status reports, is as follows:

- a. The present FIR was registered at the instance of Pardeep Kumar – complainant. He alleged that he had been cheated of Rs. 6,91,000/- by fraudsters, who offered him a part-time job in relation to Google reviews for hotels and cafes.
- b. The complainant received messages from a WhatsApp number, and was referred to a Telegram user. After initially receiving payments of small amounts, the complainant was directed towards a website, which required him to remit various amounts from time to time, and showed that he was earning credits for the tasks performed. However, he was unable to withdraw the amounts, without undertaking further remittances. In the aforementioned manner, the complainant states that he was cheated of Rs. 6,91,600/-.
- c. During the course of investigation, beneficiary details of transactions were obtained and it was revealed that the complainant had transferred Rs. 6,91,000/- from his Axis bank [Account No-120010100568265], in seven transactions to different account numbers provided.
- d. An amount of Rs. 91,800/- was transferred to a UCO Bank [Account No. 23810110060643], which was in the name of the petitioner herein.
- e. After analysis of this account, it was revealed that a total of Rs. 12,49,085/- was credited to the alleged account, since it was opened in 2018.



f. Further investigation revealed that the bank account was linked to three complaints on the National Cyber Crime Reporting Portal ["NCRP"], including the present case, involving alleged cyber frauds registered in Delhi, Andhra Pradesh, and Bihar.

g. During investigation, a notice was served upon the petitioner, however, he did not join the investigation.

5. Mr. Sugandh submits that the prosecution case against the petitioner rests solely on two transactions, aggregating to Rs. 91,800/-, allegedly credited to his account. He submits that the mere receipt of funds, without any material establishing the petitioner's knowledge or involvement in the alleged cyber fraud, cannot justify denial of anticipatory bail, particularly when the petitioner is a security guard with no technical expertise to participate in such a sophisticated offence. Mr. Sugandh further submits that the existence of two other NCRP complaints linked to the account, by itself, does not establish the commission of any offence by the petitioner. He also contends that the evidence is entirely documentary in nature and is already in the possession of the investigating agency, rendering custodial interrogation unnecessary. Lastly, Mr. Sugandh submits that the petitioner is willing to join the investigation as and when required, and without prejudice to his rights and contentions, is willing to deposit an amount as the Court may direct.

6. Mr. Srivastava, on the other hand, submits that the case involves a serious offence of online financial fraud. Mr. Srivastava points out that two other NCRP complaints are registered against the same account. According to Mr. Srivastava, the entire financial network of accounts and persons involved is yet to be traced, and the investigation remains



ongoing.

7. Having heard learned counsel for the parties, I am of the view that this is not a fit case for grant of anticipatory bail to the petitioner.

8. The prosecution case is based upon a complaint with regard to cheating of Rs. 6,91,000/-, by individuals offering part-time work. Out of this amount, a sum of Rs.91,800/- was allegedly transferred by the complainant directly into the account of the petitioner. It is also revealed that the petitioner's account is involved in two other cyber crime complaints, one of which is registered in the State of Andhra Pradesh and one registered in the State of Bihar.

9. The Supreme Court has held that anticipatory bail is an extraordinary remedy, which must be granted with circumspection, balancing the rights of the accused against that the public interest in a fair and effective investigation. The observations of the Court in *Srikant Upadhyay v. State of Bihar*¹ are as follows:

“30. We have already held that the power to grant anticipatory bail is an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule. It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the court depending on the facts and circumstances of each case. While called upon to exercise the said power, the court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the court shall not pass an interim protection pending consideration of such application as the section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or

¹ (2024) 12 SCC 382.



proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously defying orders and keeps absconding is not entitled to such grant.”²

10. Having regard to the nature of the allegations and the *prima facie* case, which shows credit for the amount of Rs. 91,800/- in two transactions into the account of the petitioner from the account of the complainant, it cannot be said that this is a case where custodial interrogation is not required. The FIR is still under investigation and the money trail and involvement of others in the chain is yet to be revealed. The Supreme Court has held in *State v. Anil Sharma*³ and *P. Krishna Mohan Reddy v. State of Andhra Pradesh*⁴, that custodial interrogation is far more effective in eliciting the truth than interrogation while the accused is clothed with the protection of the Court.

11. The nature of the offences alleged in this petition involves inducement of individuals to pay money on the promise of part-time work. Such offences are targeted at gullible victims in search of a livelihood, and are, by their very nature, serious offences in which the public interest in an effective investigation is paramount.

12. Mr. Sugandh has cited a judgment of the coordinate Bench dated 20.02.2025 in *Rihan Malik v. State (Govt. of NCT of Delhi) and Anr.*⁵, in which the Court made reference to its earlier orders by which interim protection was granted to the petitioner therein. The order dated

² Emphasis supplied.

³ (1997) 7 SCC 187.

⁴ 2025 SCC OnLine SC 1157.

⁵ BAIL APPLN. 4850/2024.



20.02.2025 notices that amount of Rs. 2,20,000/- stands deposited with the Registry pursuant to the previous orders, and grants anticipatory bail to the petitioner therein. Although the facts of that case are not apparent from the order cited by Mr. Sugandh, each case of this nature, particularly at the stage of bail, turns on its own particular facts. Reference in this connection may also be made to the judgments of the Supreme Court in *Ramesh Kumar v. State of NCT of Delhi*⁶ and *Gajanan Dattatray Gore v. State of Maharashtra and Others*⁷, in which the Court has cautioned against grant of bail on condition of deposit of money. The specific observations of the Supreme Court in *Gajanan Dattatray Gore* are as follows:

“15. We have noticed over a period of time that orders of regular bail and anticipatory bail are being passed by different High Courts subject to deposit of some amount.

16. We have come across cases like the one in hand where accused persons have gone to the extent of filing affidavits in the form of undertaking that they would deposit a particular amount within a particular period and then conveniently resile from such undertakings saying it is an onerous condition.

17. In some cases, perhaps the accused may abide by such undertaking, but our experience so far has been that in many cases the accused later would not abide and flout the undertaking. In many cases it would be argued on behalf of the accused that he had never made such a statement and the court on its own had recorded in the order that the accused is ready and willing to deposit a particular amount. At times the entire blame is thrown on the lawyer in making such statement for the purpose of obtaining order of bail or anticipatory bail as the case may be. In such circumstances, the concerned court would be left with no other option but to cancel the bail either at the instance of the State or the original complainant.

18. The case in hand is one in which the appellant on his own free will and volition filed an affidavit in the form of an undertaking before the

⁶ CRL.A. 1741/2023, dated 04.07.2023.

⁷ 2025 SCC OnLine SC 1571 [hereinafter, “*Gajanan Dattatray Gore*”].



High Court that he would deposit an amount of Rs. 25,00,000/- but ultimately resiled to do so and the High Court had to cancel the bail. It was too much for the lawyer of the appellant to argue before the High Court that asking his client to deposit Rs. 25,00,000/- was unreasonable. It reflects on the professional ethics.

19. By this order, we make it clear and that too in the form of directions that henceforth no Trial Court or any of the High Courts shall pass any order of grant of regular bail or anticipatory bail on any undertaking that the accused might be ready to furnish for the purpose of obtaining appropriate reliefs.

20. The High Courts as well as the Trial Courts shall decide the plea for regular bail or anticipatory bail strictly on the merits of the case. The High Courts and the Trial Courts shall not exercise their discretion in this regard on any undertaking or any statement that the accused may be ready and willing to make.

21. This practice has to be stopped. Litigants are taking the courts for a ride and thereby undermining the dignity and honor of the court.

22. We hope and trust that the High Courts as well as the Trial Courts across the country do not commit the same mistake again.

23. In the case in hand, so far as the plea for regular bail is concerned, we are not inclined to look into. The appellant has made a mockery of justice. He could be said to have abused the process of law. If at all the High Court wanted to release the appellant on bail, it should have first asked him to deposit the amount within a particular period of time and upon such deposit the appellant could have been released.

24. Be that as it may, now we have made ourselves very clear that there shall not be a single order that the High Courts and the Trial Courts shall pass for grant of regular bail or anticipatory bail on the basis of any accused or his/her family members giving an undertaking to deposit a particular amount. The plea shall be decided strictly on merits in accordance with law. If the case is made out on merits the court may exercise its discretion and if no case is made out on merits the court shall reject the plea for regular bail or anticipatory bail as the case may be. However, in any circumstances the High Courts or trial courts shall not pass a conditional order of regular bail or anticipatory bail.”⁸

13. Therefore, having come to the conclusion that the petitioner is not entitled to anticipatory bail on merits, I do not find any force in Mr.



Sugandh's offer of deposit of money.

14. For the aforesaid reasons, the application, alongwith pending application, is dismissed.

JULY 23, 2026
SS/AN/

PRATEEK JALAN, J

⁸ Emphasis supplied.