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

CNR No. DLHC010456562026

+ **BAIL APPLN. 4024/2026 CRL.M.A. 29736/2026**

SHIVAM SINGH TOMAR

.....Petitioner

Through: Mr. Rudraditya Khare, Mr. Pulkit
Dahiya and Mr. Manvendra Singh,
Advs.

versus

**STATE (NCT OF DELHI) THROUGH SHO, POLICE STATION
GOVINDPURI**

.....Respondent

Through: Ms. Richa Dhawan, APP for the State
(through vc)
HC Satender, SI Sandeep Rawal, PS
Govind Puri

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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05.10.2026

1. The present application has been filed under Section 482 of the
Bhartiya Nagarik Suraksha Sanhita, 2023 ['BNSS'] seeking following
reliefs: -

“Allow the present Petition and grant anticipatory bail to the
Petitioner, Shivam Singh Tomar, in connection with FIR No.
342/2026, dated 15.06.2026, registered at Police Station Govindpuri,
South-East District, New Delhi, under Sections 318(4)/61(2) BNS”

2. It is stated that the FIR No. 342/2026 dated 15.06.2026 ['subject
FIR'] arises out of complaint by one Md. Suhail ('complainant') alleging an
unauthorised deduction of Rs. 89,600/- from his ICICI Bank account no.



629101518792 through two UPI transactions of Rs. 84,000/- and Rs. 5,600/ without his consent. During investigation, the said amount was traced to a Kotak Mahindra Bank account no. 7898690411 maintained by the applicant in the name of his dairy business, 'Tomar Dairy', used in the ordinary course of trade to receive UPI/digital payments from customers. Out of the disputed amount, a sum of Rs. 66,116.72 already stands frozen/placed under lien by the bank.

3. The applicant's link to the subject FIR is the use of his bank account bearing no. 7898690411 maintained with Kotak Mahindra Bank, which received the credit of aforesaid two transactions.

4. This application was first listed on 23.09.2026. The applicant had expressed his willingness to join the investigation and cooperate with the investigating agency to investigate the allegations forming subject matter of the subject FIR.

5. The State filed a status report dated 23.09.2026 and pointed out that the applicant had failed to join investigation despite service of four notices dated 16.06.2026, 02.07.2026, 16.06.2026 and 18.08.2026 under Section 35(3) of BNSS. It was stated that the applicant's interrogation is required to verify the use of the mobile number and e-mail ID linked with the applicant's Kotak Mahindra Bank account bearing no. 7898690411.

6. This Court vide order dated 23.09.2026 recorded applicant's willingness to join the investigation on 27.09.2026 and interim protection against arrest was granted to the applicant *vide* the same order, until today.



7. In the aforesaid circumstances, the matter has been taken up for consideration today. A status report dated 02.10.2026 has been handed over to the Court.

8. Ms. Richa Dhawan, learned Additional Public Prosecutor [‘APP’] states on instructions from the Investigation Officer [‘I.O.’] that though the applicant appeared on 27.09.2026, he did not cooperate with the investigation. She states that applicant was directed to provide the mobile phone containing the SIM Card for the mobile number which is linked to the Kotak Mahindra Bank account no. 7898690411. She states that the applicant during investigation submitted that the said mobile phone along with the SIM card is lost. Instead, he handed over a new mobile phone set, which is a basic instrument along with a new SIM card of a new mobile number, purchased barely 2 days prior to interrogation day.

8.1. She states that the applicant was also required to submit the bank kit issued for this bank account, however, the same was also not provided by the applicant.

8.2. She states therefore the applicant despite joining the investigation has not provided the documents pertaining to the bank account, which are under his control and possession.

8.3. She submits that during the investigation, applicant furnished details of a UCO bank account number 1844110077146 and asserted that this is applicant’s other bank account, however on verification the said account number has been found to be non-existent.



8.4. She submits that the applicant failed to explain the basis of the transactions amounting to Rs. 2,46,23,018/- which have been credited into the Kotak Mahindra Bank account no. 7898690411 and further transferred to 08 fake firms/mule accounts.

8.5. She has relied upon the status report dated 23.09.2026 and 02.10.2026. She submits that during interrogation the applicant failed to explain the operation of the Kotak Mahindra Bank account no. 7898690411, especially the identity of the persons to whom the amount of Rs. 2,46,23,018/- was transferred.

9. Mr. Rudraditya Khare, learned counsel for the applicant states that the applicant has complied with the directions issued by this Court *vide* order dated 23.09.2026, at paragraph 10. He submits that applicant has duly provided details of his address as well as his PAN number, Aadhar number to the I.O.

9.1. He states that the mobile phone containing SIM number linked with this bank account was lost during a trip to Vaishnodevi. He states that he does not readily have information about the date of the loss or whether such a loss was reported. He submits that he also does not have instructions on the use and control of the e-mail ID rocksboy2580@gmail.com linked to the Kotak Mahindra Bank account no. 7898690411.

9.2. He states that he has no instructions with respect to the UCO Bank Account number being incorrect.



9.3. He states that the Kotak Mahindra Bank account no. 7898690411, though is in the name of the applicant, it was operated by an employee, Sikander. He states that the applicant has no knowledge of the incoming or outgoing transactions from this bank account and it is only Sikander who can answer the same. This is the reason, why the applicant is unable to explain the factual basis of the onward transfer of Rs. 2.46 crores to 08 firms. He states that for the same reason, the applicant does not have the bank kit with him.

9.4. He submits that there is no doubt that in law, applicant is responsible and accountable for operations of his Kotak Mahindra Bank account no. 7898690411, however, the applicant as a matter of fact, is not aware.

10. Learned APP has provided this Court with the copy of the question answers recorded on the date of investigation that is 27.09.2026, which shows that the applicant has stated during interrogation that his Kotak Mahindra Bank account no. 7898690411 is operated by his employee Sikander, however, he does not have any details about the whereabouts of the said employee including his address or his mobile number.

11. This Court has heard the learned counsel for the parties and perused the petition as well as the status reports dated 23.09.2026 and 02.10.2026.

12. The allegations which form the subject FIR are that there was an unauthorized deduction of Rs. 89,600/- from the ICICI Bank of the complainant through two transactions. The said amount was allegedly deducted without the consent of the complainant. During investigation, the credit of the said amounts was traced to the Kotak Mahindra Bank account



no. 7898690411 maintained by the applicant in the name of his dairy business 'Tomar Dairy'.

12.1. The Kotak Mahindra Bank account no. 7898690411 was found to be active. The e-mail ID rocksboy2580@gmail.com was found to be linked with the said Kotak Mahindra bank account. The KYC documents, Account Opening Form (AOF) obtained from the bank were found in the name of the applicant.

12.2. The bank statement was obtained and, on an analysis, the I.O. found that a sum of Rs. 2,46,23,018/- was credited in this account from 20.09.2025 to 29.01.2026. This amount was further transferred to 08 separate bank accounts¹, which accounts on verification have been found to be mule bank accounts and hence deemed fake. Also, investigation revealed that the said 08 bank accounts were involved in other online cyber fraud cases, with illegal transactions to the extent of Rs. 10 crores. It is stated that more than 25 complaints were found registered on the National Cyber Crime Reporting Portal ['NCRP'] against these 08 MULE bank accounts.

12.3. The I.O. issued 4 notices under Section 35(3) BNSS, between June to August, 2026, however the applicant failed to join investigation. He ultimately joined the investigation on 27.10.2026 in pursuance to this Court's order dated 23.09.2026.

13. Learned APP has stated on instructions from the I.O. that during investigation applicant has not provided any details with respect to operation of the Kotak Mahindra Bank account no. 7898690411, the justification for



the transactions of debit/credit therein including the details of the 08 suspect fake firms which are the beneficiaries of Rs. 2.46 crores from the applicant's Kotak Mahindra bank account.

14. A perusal of the record shows that the applicant is admittedly the account holder of Kotak Mahindra Bank account number 7898690411. This bank account is linked with e-mail ID rocksboy2580@gmail.com. This bank account had credit transactions of Rs. 2,46,23,018/- approximately between 20.09.2025 to 29.01.2026. This substantial amount was further transferred to 08 bank accounts, which have been verified as mule bank accounts. Also, the said 08 accounts have been flagged for online cyber fraud cases on NCRP.

15. It has been contended before this Court that the applicant during investigation has not provided the mobile phone which was being used during the relevant period. This fact is admitted by the learned counsel for the applicant and though it is alleged that the said mobile phone was misplaced, no proof of the said loss has been brought on record. So also, the applicant during investigation has failed to explain the basis or justification of the transactions of Rs. 2,46,23,018/- to the 08 mule accounts during the period 20.09.2025 to 29.01.2026 as well as the unauthorized deduction of Rs. 89,600/- from the ICICI bank account of the complainant.

16. Learned counsel for the applicant states that the inability to provide these details is due to the fact that applicant has no knowledge as the employee of the applicant, Sikander was operating this Kotak Mahindra

¹ Details of the account holders is given at paragraph 6 of the status report dated 02.10.2026



Bank account no. 7898690411 during the course of business. As noted above, the details of the alleged employee Sikander are not available with the applicant himself.

17. In this scenario, in the considered opinion of this Court, Sikander appears to be a phantom. Moreover, the explanation of the applicant that he has no knowledge of the justification or basis for the transfer of Rs. 2,46,23,018/- to the 08 mule accounts or receipt of Rs. 89,600/- from the complainant, substantiates the plea of the I.O. that the applicant has not cooperated during the investigation conducted on 27.09.2026.

18. The entire basis of the petition is that applicant is a bonafide businessman who carries on the dairy business and operates the Kotak Mahindra Bank account no. 7898690411 for his said legitimate business. However, now a new stand is being taken that the Kotak Mahindra Bank account no. 7898690411 is being operated by an employee Sikander, whose whereabouts is unknown to the applicant. The applicant denies having knowledge of the justification of the transactions of 2,46,23,018/- in favour of the 08 mule accounts as also the justification for receiving a sum of Rs. 89,600/- from the complainant. This explanation prima facie cannot be accepted as bonafide. The inability of the applicant to provide the mobile phone containing material evidence, which is linked with the bank account, is also not justified.

19. This Court is therefore satisfied that the I.O. has made out a case that the applicant has not furnished the information linked with the transactions operated from the Kotak Mahindra Bank account no. 7898690411 pertaining



to the wrongful debit of Rs. 89,600/- from the complainant and credits of Rs. 2,46,23,018/- into 08 identified mule accounts.

20. This Court is of the view that the applicant is certainly withholding information linked to his Kotak Mahindra bank account which would enable the I.O. to trace the beneficiaries of the persons linked to the 08 mule accounts as well as the modus through which the amount of Rs. 89,600/- was allegedly collected wrongfully from the complainant.

21. Therefore, considering the seriousness of the allegations and the conduct of the applicant, of not furnishing information as requested by the I.O. and not cooperating in the investigation, this Court does not consider this to be a fit case for grant of anticipatory bail at this stage.

22. Learned APP is directed to bring the status reports dated 23.09.2026 and 02.10.2026 on record.

23. The interim protection granted vide order dated 27.09.2026 stands vacated.

24. Accordingly, the application stands dismissed. Pending application, if any, stands dismissed.

25. It is clarified that the observations made herein are solely for the purpose of adjudication of the present proceedings, and shall not be construed as an expression of opinion on the merits of the case, nor shall they prejudice the rights and contentions of the parties at any stage of the proceedings.



26. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
OCTOBER 5, 2026/IB