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

\+ BAIL APPLN. 248/2025

ANKUR JAIN .....Applicant

Through: Mr. Akhil Anand, Advocate

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Manoj Pant, APP for the State with SI Pankaj Kumar and SI Satish Kumar, P.S. Jyoti Nagar.

CORAM:
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

O R D E R
% **22.01.2025**

1. The present bail application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereafter *'BNSS'*) has been filed on behalf of the applicant, seeking grant of anticipatory bail, in case arising out of FIR bearing no. 461/2023, registered at Police Station Jyoti Nagar, Delhi, for offences punishable under Sections 420/468/471/120B/34 of the Indian Penal Code, 1860 ('*IPC*').

2. Briefly stated, the facts of the present case are that on 15.07.2023, a complaint had been filed by Smt. Sangeeta Gupta, wherein she had alleged that in 2018, accused/ applicant Ankur Jain, along with his partner co-accused Yogesh Sharma, had taken her PAN card, Aadhaar card, and

photograph under the pretext of providing a loan to women under the Pradhan Mantri Yojana. Co-accused Yogesh Sharma had met the complainant in the capacity of a representative of PNB Bank and had made her sign some bank documents for processing the loan. Subsequently, when she had inquired about the loan status, she had been told that the file was stuck and that her documents could not be returned as they were still with the bank. On 18.12.2020, present applicant/ accused Ankur Jain, co-accused Yogesh Sharma, and a bank manager named Anupam, working at PNB Bank, Eco Tower, Laxmi Nagar, had visited the residence of the complainant, claiming that additional signatures were required for the loan application. They had obtained signatures on the letterhead of "Dev Enterprises," stating that a loan of ₹5 lakhs had already been approved on this account, and promising to repay it fully before securing another loan for her. The husband of the complainant had grown suspicious and had checked the GSTN number, discovering that GSTN-07CVMPG2586E1ZF, that belongs to Dev Enterprises, had been registered on complainant's PAN card and Aadhaar card address, located at Plot No. 22, Village Ramgarh, Block-B, Near Anand Maya Hospital, Jahangirpuri, Delhi-110033. It had also been revealed during the course of investigation that, by misusing the complainant's documents, a loan amounting to ₹80,00,000/- had been obtained in the name of the business concern, i.e. Dev Enterprises, in April 2019. Out of this amount, two significant transactions had been executed: one exceeding ₹24 lakhs into the bank account of M/s Business Systems and another exceeding ₹47 lakhs into the bank account of Sunil Enterprises.

3. The learned counsel for the accused argues that the accused/applicant has been falsely implicated in the present case, and the allegations levelled

against him are both vague and baseless. It is submitted that despite having fully cooperated with the investigation, no incriminating evidence has been uncovered against him. Learned counsel further argues that the accused is a law-abiding citizen who is prepared to join and cooperate with the investigation as and when required by the Investigating Officer. In light of these submissions, it is prayed that the accused be granted bail.

4. *Per Contra*, learned APP appearing on behalf of the State argues that the applicant has cheated the complainant, taking advantage of the fact that he was well-known to her. He also states that the accused herein has not cooperated with the investigation and states that he had taken a ground that he had undergone surgery and therefore, had not joined investigation. It is stated that the money trail in this case is to be ascertained and the forged documents on the strength of which the loan was obtained and the money trail of the use of the loan amount is also to be found out, for which custodial interrogation is required.

5. This Court has heard learned counsel appearing on behalf of the parties and has perused the material placed on record.

6. After going through the same, this Court is of the opinion that as per investigation, the complainant was known to the accused as they are residents of the same village. Taking advantage of the same, the applicant had allegedly taken the complainant into confidence, who was not very educated and had studied only upto 5th Standard. The applicant had allegedly taken advantage of the publicly well known scheme of start-ups, for which loan under the *Pradhan Mantri Yojana* was to be extended. The applicant had allegedly promised the complainant that he will get a loan of ₹2 Lakhs sanctioned under the said scheme to her, and on the said pretext, in the year

2018, he had taken her Aadhar Card, Pan Card and her photograph. In the year 2020, he had got some documents signed from her which he had later on, as per investigation, misused and presented before the Bank, to obtain loan after opening a business concern in the name of Dev Enterprises, using the documents which related to the complainant herein. The address of the Dev Enterprises was found fraudulent. The loan amount of ₹80 Lakhs was obtained by presenting documents pertaining to the complainant and the business concern which was started on the basis of identity documents of the complainant.

7. This Court also notes that the applicant herein has not joined the investigation, and has not handed-over the documents and the details of the money trail, and all the bank account numbers. Earlier, the applicant had taken time from the Investigating Officer on the ground that he had undergone surgery and therefore, will join investigation later, however later on, instead of joining investigation, the accused had filed an application for grant of anticipatory bail.

8. The accused is alleged to be the main conspirator in the present case. The custodial interrogation of the accused is thus required for ascertaining as to how the loan was obtained from the bank on the basis of the documents, belonging to the identification of the complainant.

9. In light of the aforesaid facts, this Court is of the opinion that no ground is made out for grant of anticipatory bail. Thus, the application for grant of anticipatory bail stands rejected.

10. Accordingly, the present application stands disposed of, along with pending applications, if any.

11. It is, however, clarified that nothing expressed herein above shall

tantamount to an expression of opinion on merits of the case.

12. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 22, 2025/zp

Click here to check corrigendum, if any