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

\+ BAIL APPLN. 379/2025

GRACE VARGHESE .....Petitioner

Through: Mr. Jaspreet Singh Rai, Mr. Rohit Nagpal, Mr. Swetabh Kumar, Ms.Sukhdeep Kaur Rai, Mr. Ankur Singh, Mr. Devinder Singh, Mr. Ravi Kumar and Mr. Krish Mahajan, Advs.

Versus

STATE NCT OF DELHI .....Respondent

Through: Mr. Naresh Kumar Chahar, APP for the State.

CORAM:
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

O R D E R

% 29.01.2025

CRL.M.A. 2725/2025 (exemption)

1. Allowed, subject to all just exceptions.

2. Application stands disposed of.

BAIL APPLN. 379/2025

3. 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. 197/2023, registered at Police Station Connaught Place, Delhi, for offences punishable under Sections 420/120-B/34 of the Indian Penal

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Code, 1860 (hereafter '*IPC*').

4. Issue notice. The learned APP accepts notice on behalf of the State.

5. Brief facts of the present case are that the present FIR came to be registered on the basis of a complaint made by the complainant, who had alleged that during the year 2022, the complainants had come to know about one Mr. Varghese Sebastian, who had allegedly lured them with promises of employment opportunities in Canada. Upon reaching out to him via his mobile number, they had been invited to his office located in Connaught Place, Delhi, where he, along with Mr. Regin C and the applicant herein, had assured them of secure placements in Canada. The complainants claimed to have transferred a total of Rs. 9.5 lakhs through bank transactions to the accused's accounts and additionally handed over Rs. 90,000 in cash directly to Mr. Varghese Sebastian. In exchange for these payments, the complainants had received confirmation letters from the applicant, who was purportedly introduced by Varghese Sebastian as an immigration officer. Furthermore, they alleged that they were instructed to visit Chandigarh to meet Mr. Sumit Julka Verma, who was responsible for arranging their biometric data collection. By January 2023, the complainants had been provided with copies of their visas but not their original passports. Following this, the accused persons began evading their calls. The complainants also alleged that Mr. Sumit Julka Verma had demanded additional amount of Rs. 3 lakhs for the return of their passports and threatened to destroy them if they contacted police. The complainants were informed about a scheduled flight on 18.03.2023, which led them to travel to Delhi on March 15, 2023. Ultimately, they felt duped of their hard-earned money.

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6. The learned counsel for the applicant states that the applicant has been falsely implicated in the present matter as she is the wife of Mr. Varghese Sebastian. It is the contention of the applicant that the Mr. Regin C is the main accused in the case and that her husband used to work for him. It is further argued by the learned counsel for the applicant that amount of Rs. 1 lakh which has been transferred in the account of the applicant has been transferred to the account of Mr. Regin C. It is also argued that the applicant is being used as a scapegoat in the present matter whereas Mr. Regin C is the main accused. It has also been argued by the learned counsel for the applicant that another FIR has been registered against the co-accused persons for same offence and on the same pretext. However, the applicant has not been named in that FIR.

7. *Per Contra*, the learned APP for State argues that the applicant is co-accused in the instant case and used to work in the office with co-accused persons. It has also been pointed out by the learned APP for the State that the complainant had identified the applicant as an Immigrant Officer and one day when the complainant visited the residence of Mr. Varghese Sebastian, the applicant despite being present there, had not informed the complainant that she is the wife of Mr. Varghese Sebastian and throughout the course of work, she had labelled herself as an Immigrant Officer. It has also been stated that by the learned APP for the State that the applicant till date has not joined the investigation.

8. This Court has heard arguments addressed by the learned counsel for the applicant and the learned APP for the State and has also perused the material available on record.

9. In the instant case, it has been argued that the accused has no

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connection with the alleged offence. Though the learned counsel for the applicant argues that her bank account was used by her husband for receiving funds on instructions from Mr. Regin C, the allegations as per the FIR against the accused are that she had given confirmation letters and had been introduced as an Immigration Officer.

10. This Court notes that when the complainants had visited co-accused Varghese Sebastian's residence, they had met Grace Varghese, i.e. the present applicant who had denied being the wife of Varghese Sebastian. While the applicant has acknowledged this relationship in her application, she had not disclosed the same to the complainant and had identified and impersonated herself as an Immigration Officer before them.

11. During the course of investigation, it has been revealed that the complainants had paid a total amount of Rs.35-36 lakhs (approximately) to the accused persons, out of which about Rs.6,66,000/- were transferred to the bank accounts of the applicant’s husband i.e. Varghese Sabastian and Rs.1 lakh to the bank account of the present applicant, by the complainants.

12. Considering the overall facts and circumstances of the case, and the fact that the accused persons, including the present applicant, have not yet joined investigation, and the recovery of the cheated amount is also to be affected, this Court is of the view that the custodial interrogation of the applicant would be necessary. Taking into consideration the seriousness of the allegations, this Court finds no ground to grant anticipatory bail to the present applicant.

13. Accordingly, the present application stands dismissed.

14. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression on merits of the case.

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15. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 29, 2025/A

Click here to check corrigendum, if any

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