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

\+ BAIL APPLN. 468/2025

NEERAJ KUMAR @ DEEPAK BHARDWAJ .....Petitioner

Through: Mr. Madhav Khurana, Senior Advocate with Ms. Shilpa Dewan, Ms. Ragini Juneja and Ms. Teeksh Singhal, Advocates.

versus

STATE NCT OF DELHI .....Respondent

Through: Mr. Amit Ahlawat, APP for State with Mr. Manoj Kumar, SI, PS-EOW.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% **17.04.2025**

1. The present application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023[1] seeks regular bail in proceedings arising from FIR No. 11/2024 registered under Sections 406/120B of the Indian Penal Code, 1860[2] at P.S. Economic Offences Wing.

2. Briefly, the case of the prosecution is as follows:

2.1. The FIR was registered pursuant to a complaint lodged by Ms. Manju Dahiya, along with 22 other complainants. As per the contents of the FIR, the owners of M/s Ladder Groups namely Ms. Archana Katariya, Mr. Deepak Bhardwaj @Neeraj Kumar (the present Applicant), and Ms. Chhavi Sharma cheated them of their money, under the guise of offering

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[1] "BNSS"

employment opportunities abroad. The accused persons are stated to have collected money from the complainants/victims and subsequently absconded from their office premises located at Sector-10, Rohini, Delhi.

2.2. During the investigation additional complaints were received against M/s Ladder Groups, involving the same set of accused persons and similar allegations of financial fraud. To date, a total of 18 complaints have been received, collectively representing 90 investors/victims, with the total amount of fraud estimated at ₹2.50 crores (approx.). All these complaints have been consolidated with the present FIR for further investigation.

2.3. During the investigation, notices under Section 91 and 160 CrPC were issued to all complainants whose addresses were available on record. In response, 23 complainants/victims have joined the investigation so far, and their statements under section 161 CrPC have been recorded. In these statements, the complainants/victims categorially named the accused persons and affirmed that, during their visits to the office of M/s Ladder Groups, they were introduced by tele-callers to Ms. Archana Katariya and Mr. Deepak Bhardwaj @Neeraj Kumar as the owners of the firm. The accused persons allegedly misrepresented material facts and fraudulently induced the victims to make monetary payments. Several complainants/victims also stated that the Applicant personally communicated with them over the phone, demanding money under various pretexts such as medical examinations, insurance, and administrative charges.

2.4. The fraudulent scheme was executed through aggressive digital marketing. The accused persons established an office in Sector 10, Rohini,

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[2] "IPC"

Delhi, where 10–15 tele-callers were hired *via* job portals like Work India and trained by Ms. Archana Katariya and the Applicant. The Applicant created Facebook pages falsely presenting the tele-callers as "visa counsellors," and featuring misleading content to attract job seekers from India and Nepal. A website was also developed, and paid advertisements on Facebook were used to target individuals seeking overseas employment. The trained tele-callers then misled these individuals with false promises and concealed critical information.

2.5. During the investigation, the whereabouts of the accused Ms. Chhavi Sharma were identified. Upon serving a notice under Section 41A CrPC, she joined the investigation, and during interrogation, revealed that Neeraj Kumar had been using a fake identity as Deepak Bhardwaj to commit the alleged offences. She further disclosed that the accused persons, Ms. Archana Katariya and the Applicant were partners in the M/s Ladders group. Additionally, she stated that she was employed in the firm as a visa counsellor on a monthly salary with an incentive-based structure.

2.6. Based on information provided by accused Chhavi Sharma, Archana Katariya and the Applicant were identified and traced, leading to a raid in Zirakpur, Punjab. A notice under Section 41A CrPC was served on Ms. Archana Katariya, however, due to her non-cooperation and evasive responses, she was arrested on 24th April 2024. At her instance, 10 mobile phones, 2 laptops, and 3 passports were seized. She admitted to having conspired with the Applicant in planning and executing the fraudulent scheme and confirmed that both of them were partners in the firm.

2.7. The investigation into the roles of the accused persons, namely Chhavi Sharma and Archana Katariya was also carried out. Upon completion of the investigation concerning them, the first charge sheet was prepared under sections 406,409,419,420 and 120 B IPC and was filed before the Trial court on 19th July, 2024.

2.8. The Applicant wilfully evaded investigation despite being duly served with a notice under Section 41A of CrPC. His continued non-cooperation resulted in the issuance of a Non-Bailable Warrant (NBW) on 28th June 2024, followed by a non-execution report submitted on 31st July 2024. In light of his repeated attempts to avoid investigation, proceedings under Section 82 CrPC were initiated by the Trial Court on 1st August 2024. While these proceedings were pending, the Applicant voluntarily surrendered before the Trial Court on 10th September 2024 and was taken into custody.

2.9. During custodial interrogation, the Applicant disclosed that the money obtained through fraudulent activities was used to finance the construction of his hotel in Bathinda. To verify this claim, contractor Gurjit Singh was examined, who confirmed that Applicant had paid him 25 lakhs in cash in 2023, without any formal contract for the construction. The investigation concerning Applicant was concluded with the submission of a Supplementary Chargesheet before the Court on 30th November 2024.

3. Mr. Madhav Khurana, Senior Counsel for the Petitioner, urges the following grounds, for seeking bail:

3.1. The Applicant has been falsely implicated in the present case. The Applicant has no involvement in the offences mentioned in the FIR, nor any connection with the alleged victims. The Applicant was merely an employee of M/s Ladder Groups, a proprietorship firm solely owned by Ms. Archana Katariya, drawing a monthly salary of ₹30,000/- along with an additional incentive of ₹5,000/-. As an employee, the Applicant performed his duties diligently, which were limited to the collection of documents. The Applicant neither had knowledge of the alleged fraudulent activities, nor maintained any direct interaction with the victims.

3.2. Furthermore, the alleged amounts deposited by the victims, has been received by M/s Ladders Groups/Archana Katariya and not by the Applicant. The payments were allegedly transferred to the bank account of M/s Ladders Group or paid in cash for which receipts have been issued under the name of M/s Ladders Group, signed and executed by Archana Katariya, and not the Applicant. Thus, no money whatsoever was received by the Applicant, or transferred to his account. There has been no unlawful gain by the Applicant for him to be implicated in the alleged offences. Thus, no case under sections 406, 409 or 420 of the IPC are made out against the Applicant.

3.3. No notice under section 41-A was served on the wrong address and the Applicant never received the same.

3.4. The Applicant has been in custody since 10th September, 2024. The investigation is complete and chargesheet has been filed and therefore the Applicant's presence for investigative purposes is no longer necessary.

4. Mr. Amit Ahlawat, APP for the State, on the other hand, strongly opposes the bail application. He submits that the prosecution has gathered strong and direct evidence linking the Applicant to the fraudulent activities establishing his active role in the commission of the offences. He submits that the Applicant has been explicitly named by the victims in the FIR and all subsequent complaints as a joint owner of the alleged Ladder Groups, along with the co-accused. The investigation has confirmed that he used a false identity as Deepak Bhardwaj to commit the offense. Multiple victims

have provided statements under Section 161 Cr.P.C, corroborating the allegations and identifying the accused. Further, Rajesh Kumar, the web developer, confirmed that he was instructed by Neeraj Kumar @ Deepak Bhardwaj to create the Ladder Groups website, further proving his involvement. Several victims identified the Applicant in photographs as one of the key perpetrators. Mr. Ahlawat further points out that the Applicant is a habitual offender and was previously involved in FIR No. 24/2024, registered at PS Crime Branch, Indore Urban, Madhya Pradesh, in relation to which, he was arrested on 27th February, 2025.

5. The Court has duly considered the aforenoted contentions. According to the statements of the victims/complainants, the payments were made either through cheques or in cash and were received by M/s Ladders Group. The alleged cheated amount is approximately INR 2.50 crores, out of which around INR 1 crore was deposited in cash and the remaining through cheques in the name of M/s Ladders Group. Based on the material on record, *prima facie*, all these payments appear to have been received by M/s Ladders Group, whose proprietor is Ms. Archana Katariya. There is no evidence on record indicating any cash or bank transactions involving the Applicant. Moreover, no online transfer of funds from the account of M/s Ladders Group to the Applicant has been traced.

6. Additionally, the Court finds merit in the contention of Mr. Khurana that the evidence and material disclosed in the chargesheet, is *prima facie* not sufficient to implicate the Applicant under Section 409 of the IPC to justify denial of bail.

7. Furthermore, it is well established through catena of judgments by the Supreme Court that the object of granting bail is neither punitive nor

preventative. The primary aim sought to be achieved by bail is to secure the attendance of the accused person at the trial.[3] The Applicant has been in custody since 10th September, 2024. The investigation is complete, and the chargesheet has been filed. Thus, no purpose would be served by continuing the incarceration of the Applicant.

8. Having regard to the aforenoted facts and circumstances and the fact that the Applicant has been in custody since 10th September, 2024, the Court finds that there is substantial ground for Applicant to be released on bail.

9. The Applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of ₹50,000/- with one surety of the like amount, subject to the satisfaction of the Jail Superintendent/Trial Court/Duty MM, on the following conditions:

a. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;

b. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;

c. The Applicant shall appear before the Trial Court as and when directed;

d. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;

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[3] ***Sanjay Chandra v. CBI,*** (2012) 1 SCC 40***; Satender Kumar Antil v. Central Bureau of Investigation***, (2022) 10 SCC 51.

e. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

f. The Applicant shall report to the concerned PS on first Friday of every month;

10. It is clarified that the Applicant shall not be released on bail, if he is in custody for any other case(s) filed against him, unless he secures bail in such other case(s) as well.

11. The bail application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

APRIL 17, 2025
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