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

+ **BAIL APPLN. 642/2025**

UDAY

.....Petitioner

Through: Mr. Rakesh Chahar, Mr. Saurav
Panwar and Mr. Shailesh, Advocate.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Hemant Mehla, APP for State
with Mr. Sunil Kr and Mr. Himanshu,
SI, PS-Najafgarh.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

22.07.2025

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1. The present application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in proceedings arising from FIR No. 481/2024 registered under Section 308(5) of the Bharatiya Nyaya Sanhita, 2023³ at P.S. Najafgarh. Subsequently, a chargesheet was filed *qua* the Applicant under Section 308(4)/351(3)/61(2)/3(5) of BNS.

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

2.1. On 11th November, 2024, the Complainant, Chand Singh, received a threatening phone call from mobile number +16613907098. The caller identified himself as Amit Mann, a member of *Gogi gang* and demanded INR 1 crore as extortion, threatening to kill the Complainant's son if the demand was not met. Based on this complaint, the present FIR was

¹ "BNSS"

² "Cr.P.C"

³ "BNS"



registered.

2.2. The following day, the Complainant's son, Vikas, received a WhatsApp voice call and an audio message from mobile number 9289753190. The caller introduced himself as Monti Mann and repeated the death threat unless the ransom was paid. The said number was found to be registered in the name of one Amrik Baitha, who stated that his son Dharmender, currently in judicial custody in FIR No. 571/2024 at P.S. Alipur, was using the SIM.

2.3. A production warrant was issued for Dharmender, who was then interrogated in connection with the present case. He disclosed that a person named Sachin @ Maddy had contacted him on Instagram and asked for two SIM cards to supply to Monti Mann. Dharmender handed over two SIMs to Sachin, one of which was the SIM bearing number 9289753190.

2.4. Following this disclosure, Dharmender was arrested in the present case and taken into three-day police custody. During interrogation, he led the police to the residence of accused Sachin @ Maddy. However, Sachin @ Maddy had fled to avoid arrest and was later apprehended by the Special Staff from Kanpur and brought to Delhi. During his interrogation, Sachin @ Maddy stated that Monti Mann, affiliated with the *Gogi gang* and residing in his colony, had contacted him *via* the Signal App seeking two SIM cards to make extortion calls. Sachin @ Maddy, in turn, approached Dharmender for the SIM cards. He further disclosed that his friend, Uday @ Mawgli (the Applicant), had received the two SIM cards from Dharmender and passed on the OTP of number 9289753190 to Monti Mann on 5th September, 2024, enabling the activation of WhatsApp on another device used to send threats to the Complainant and others.



2.5. Pursuant to this, the Applicant was apprehended from his residence and arrested on 18th November, 2024. He was produced before the Metropolitan Magistrate, Dwarka Courts, and remanded to two days' police custody. During this period, one SIM card and a keypad mobile phone were recovered at his instance from his home. Investigation revealed that the SIM card was registered to number 9289753190 serviced by Airtel. The Call Detail Records were sought from the telecom company and analysis confirmed that a message had been received on that number and the SIM card had been used in the same phone recovered from the Applicant.

2.6. A notice under Section 91 Cr.P.C. was issued to WhatsApp LLC seeking account information for the number 9289753190. The response confirmed that a WhatsApp account was activated on this number on 5th September, 2024. Further investigation revealed that the OTP required for activation was transmitted by the Applicant to co-accused Monti Mann *via* the Signal App. A similar notice was sent to Signal LLC, but no data was received as the company's terms and conditions specify that it does not store user information.

2.7. Proceedings under Section 84 of BNSS were also initiated against accused Monti Mann and the same are currently pending.

3. Mr. Rakesh Chahar, counsel for the Applicant urges that the Applicant has been falsely implicated and makes the following submissions:

3.1. The Applicant has been in custody since 18th November, 2024 and the investigation has been complete and chargesheet has been filed. Thus, no fruitful purpose will be served by the continued incarceration of the Applicant.

3.2. The Applicant has no connection with the alleged offence of



extortion. Even as per the prosecution's theory of criminal conspiracy, there is no direct material linking the Applicant to the alleged crime. The prosecution alleges that an extortion call was made to the Complainant on 11th November, 2024 at 11:11 AM demanding INR 1 crore, but there is no evidence attributing this call to the Applicant. The only allegation against him in the chargesheet is that he had allegedly passed on the OTP required to activate the WhatsApp account from which the said call was made. However, there is no material on record to establish how this OTP was allegedly shared by the Applicant with the main accused, Monti Mann and his arrest is only based on the disclosure statements of co-accused persons.

3.3. The co-accused Sachin @ Maddy has been granted bail by the JMIC, First Class-07, South-West, Dwarka Court by order dated 5th June, 2025 and therefore, the Applicant is also entitled to be released on bail on the grounds of parity.

3.4. The Applicant undertakes to abide by the conditions imposed by this Court, if bail were to be granted.

4. *Per contra*, Mr. Hemant Mehla, APP for State, strongly opposes the bail application and submits as follows:

4.1. The allegations against the Applicant are grave in nature. The mobile phone and SIM card linked to the WhatsApp account used for the extortion call have been recovered from the possession of the Applicant. The WhatsApp account was activated immediately upon the generation of the OTP. While the mobile number used was not registered in the Applicant's name, the investigation has revealed, based on the statements of the Amrik Singh and the disclosure statement of co-accused Sachin @ Maddy, that it was the Applicant who was using the said number.



4.2. The Applicant has criminal antecedents and is involved in two other criminal cases: FIR No. 191/2024 registered under Section 308(4) BNS at P.S. Defence Colony and FIR No. 204/2025 registered under Sections 308(4)/61(2) BNS at P.S. Begumpur. Hence, there exists a likelihood of him absconding, if released on bail.

4.3. Furthermore, the Applicant's request for regular bail has already been declined by the Sessions Court by order dated 31st January, 2025.

5. The Court has considered the aforementioned facts and contentions. The investigation is complete and the chargesheet stands filed. The Applicant has been in custody since 18th November, 2024 and, as on 22nd July, 2025 he has undergone incarceration for a period of approximately 8 months and 5 days.

6. The allegation against the Applicant primarily pertains to his alleged role in facilitating the activation of a WhatsApp account by providing the OTP to co-accused Monti Mann, which was thereafter used to make extortion calls. It is the prosecution's case that when the said WhatsApp accounts were activated, they were immediately used to make the ransom calls. However, on perusal of the material on record, the OTP was generated on 5th September, 2024, and the threatening calls were made on 11th November, 2024 and again in December, 2024, and March 2025. There is, therefore, a significant gap between the activation of the account and the alleged criminal acts. The Court is of the view that at this stage, *prima facie*, there is no direct evidence to show the Applicant's active participation in making the extortion calls or receiving any benefit from the alleged conspiracy. His alleged involvement, *prima facie*, appears confined to the initial facilitation stage. Whether the Applicant acted in furtherance of a common intent to commit extortion or had knowledge of the ultimate



purpose behind the account activation is a matter that will have to be established by the prosecution through evidence at trial. The evidentiary value and reliability of the disclosure statements forming the basis of the prosecution's case, particularly in the absence of independent corroboration, will also be subject to scrutiny during the course of trial.

7. Additionally, while Mr. Mehla has emphasized to the Applicant's criminal antecedents, it is pertinent to note that the Applicant has already been granted bail in both cases by order dated 29th January, 2025 in FIR No. 191/2024 registered at P.S. Defence Colony and order dated 11th July, 2025 in FIR No. 204/2025 registered at P.S. Begumpur. Notably, these bail orders pertain to offences of a similar nature to those alleged in the present FIR. Copies of the aforesaid bail orders have been handed over across the board and placed on record. In this regard, reliance is placed on the judgment of the Supreme Court in *Prabhakar Tewari v. State of U.P.*,⁴ wherein it was observed that mere pendency of several criminal cases against the accused, while can be a factor to be considered, cannot itself be the basis for refusal of bail.

8. Further, co-accused Sachin @ Maddy, who is alleged to have played a similar role in facilitating access to the SIM cards used for the extortion calls, has already been granted bail by the concerned Magistrate. Given the parity in the nature of allegations attributed to both accused, the Applicant is similarly placed and is entitled to the benefit of the principle of parity.

9. In light of the above, the Applicant is directed to be released on bail on furnishing a personal bond for a sum of INR 25,000/- with two sureties of the like amount, subject to the satisfaction of the 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;
 - 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.
10. In the event of there being any FIR/DD entry / complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.
11. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.
12. The bail application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

JULY 22, 2025/nk

⁴ (2020) SCC OnLine 75