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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1355/2025 & CRL.M.A. 12720/2025**

RAVI SHANKAR THAKURPetitioner
Through: Mr. Mohit Mathur, Sr.
Adv. with Mr. Alok
Kumar Pandey, Mr.
Shekhar Sharma, Mr.
Harsh Gautam & Mr.
Vignesh Ramathan, Advs.

versus

THE STATE NCT OF DELHI AND ANRRespondents
Through: Mr. Amol Sinha, ASC for
the State.
SI Mahavir Singh,
DIU/Outer

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
29.07.2025

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1. The present petition is filed challenging the arrest of the petitioner on 20.04.2025 and 21.04.2025 in FIR No. 170/2025 dated 08.04.2025, registered at Police Station Paschim Vihar West, for offences under Sections 420/406/467/468/471/120B/34 of the Indian Penal Code, 1860 as being illegal, on the ground that the arrest has been made in violation of Articles 21 and 22 of the Constitution of India.

2. The FIR was registered pursuant to a complaint filed by the complainant namely–Parminder Singh, alleging that a fraudulent crypto currency-based Multi-Level Marketing investment scheme was being operated under the name of Upnomis and ORIS Coin. It is alleged that the said scheme was

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being orchestrated by co-accused namely– Tarun Trikha, along with his other associates, including the petitioner.

3. It is alleged that the accused persons including the petitioner, presented themselves as operators of legitimate fantasy gaming and online betting platforms, luring the public into investing by offering fraudulent schemes that promised extremely high returns.

4. The complainant alleged that a total investment of ₹10,00,000/- was made by him in the investment scheme of the accused persons, however, despite repeated assurances, the promised returns were not provided to him.

5. It is the case of the prosecution that the petitioner at the time of registration of the FIR was in judicial custody in a Thane Jail in connection with FIR No. 2081/2024. The respondent authority took permission to interrogate the petitioner in Thane Jail, Mumbai and after interrogation, arrested him on 20.04.2025 in the present FIR.

6. The petitioner was produced before the learned Judicial Magistrate First Class ('JMFC'), West District, Tis Hazari Courts on 21.04.2025.

7. The learned JMFC, on the said date, directed the release of the petitioner with immediate effect, noting that the grounds of arrest that have been given to the petitioner, do not contain full particulars of the offence. The respondent authority was also given liberty to re-arrest the petitioner after giving full particulars of the offence on the grounds of arrest.

8. The petitioner, it appears was arrested on the same date, that is, on 21.04.2025 and was allegedly supplied with grounds of arrest.



9. Learned Senior Counsel for the petitioner submits that the arrest of the petitioner is illegal. He submits that it is improbable that any grounds of arrest could have been supplied to the petitioner on the said date.

10. He submits that once the learned JMFC had directed release of the petitioner, it is highly improbable that the respondent authority drafted the fresh grounds of arrest in the Court premises itself and re-arrested the petitioner.

11. He submits that the grounds of arrest as claimed to have been supplied to petitioner for the second time, when he was arrested, also mentions the date and time of arrest to be 20.04.2025 at 01:00 PM. He submits that the same clearly indicates that said grounds of arrest was a cyclostyled document without any application of mind.

12. He submits that even otherwise the said grounds of arrest do not contain the grounds as required to be given to the accused person, so as to enable him to defend his case. He submits that general allegations have been made in the grounds of arrest without indicating the nature of case.

13. Pursuant to the order passed by the learned JMFC directing release of the petitioner, a remand application was filed by the respondent authority seeking 5 days of Police custody of the petitioner. The grounds of arrest provided to the petitioner for the second time are reproduced hereunder:

(1) That the accused has committed various cognizable offence/s as prima facie manifest from the statement of complainant and record produced along with the same. The said offences are 420/406/467 /468/471/120-B/34 of IPC.

(2) That the offence/s which the accused has committed are punishable with following punishment :

(i) Section 420 (read with section 120-B) of IPC -



Punishment which may extend to seven years and shall also be liable to fine;

(ii) Section 406 (read with section 120-B) of IPC – Punishment which may extend to three years, or with fine, or with both;

(iii) Section 467 (read with section 120-B) of IPC – Punishment with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine;

(iv) Section 468 (read with section 120-B) of IPC – Punishment which may extend to seven years, and shall also be liable to fine;

(v) Section 471 (read with section 465) and (read with section 120- B) of IPC - Punishment which may extend to two years, or with fine, or with both; [Section 120-B is a separate offence also].

(3) That the accused is the real culprit in the present case and all the sources which he used along with his accomplice to induce the complainant and thereby committed cheating is yet to be recovered as despite possible efforts, and arrest of accused, no such sources/documents could be recovered.

(4) That the names, addresses and other particulars of other accused persons are yet to be verified as no such detail is available either with the complainant or any other persons, and such information is well within the knowledge of accused as the commission of offences which have been invoked against the accused is/are not possible only on the part of accused or without conspiracy with others.

(5) That the computer devices/other electronic devices, and other sources which the accused has used for placing the scheme on an online platform are yet to be recovered, and therefore, without arrest and interrogation of accused, the possibility of recovery of such devices/sources is very few. Hence, the arrest of the accused is imperative in order to unearth the truth.

(6) That the accused is involved in committing economic offences, and by doing such offence/s, he has cheated various/numerous persons (victims), and in order to ascertain the number of persons (victims), with whom the accused has committed cheating, and collected their money for investment on false pretext, is yet to be verified and without arrest of accused, the verification of such fact/s is/are not possible.

(7) That the forged documents/computerized documents are yet to be discovered which are necessary in order to unearth the truth and also for the verification of the same, if having endorsement of any other authority or office. Such facts are within the knowledge of the accused and without arrest, and interrogation of the accused, the



recovery of the same is/are not possible.

(8) That the facts/s qua utilization of invested amount of complainant and other victims, or investment of the same either in purchase of movable or immovable property by the accused with his accomplice is yet to be verified and hence, the arrest of accused is made in order to secure the invested amount which has been collected from the innocent persons including complainant.

(9) That the accused does not have any permanent address of his residence, and also the address of his business place, and further, after the registration of present case FIR, during investigation, it is found that the accused is already in judicial custody in another case.

(10) That the accused is involved in commission of various criminal offences as mentioned above, which falls within the category of economic offences, and such offences are causing destruction to the economy system, and the faith of innocent people in the business lines which are the backbone of the country's economic system and growth. Hence, in order to secure such a system, and also to prevent him, in future, from committing such offences, the arrest of the accused was necessary.

(11) That the accused may temper with the evidence or may cause the disappearance of the same through his associates who are yet to be arrested. Hence, in order to secure such evidence for production before the Hon'ble Court, the accused has been arrested.

(12) That the accused has been informed about the grounds of arrest by narrating the entire facts of FIR and others, and he has also been informed of his right to bail in the present matter.

14. The application was allowed by the impugned remand order dated 21.04.2025 with the observation that the grounds of arrest were found to be justified.

15. Article 22(1) of the Constitution of India provides that no person shall be detained after arrest without being informed of the grounds of arrest as soon as possible. Section 47(1) of the BNSS also obligates every police officer arresting any person without warrant to communicate to him the full particulars of the offence for which he is arrested as well as the grounds of arrest.

16. It is now well settled that mere information of the grounds



of arrest is insufficient and the accused has a fundamental and statutory right to be informed about the grounds of arrest in writing at the earliest. Non-compliance of the said requirement renders the arrest of the accused to be illegal. The Hon'ble Apex Court, in the case of **Arvind Kejriwal v. Enforcement Directorate : (2025) 2 SCC 248**, reaffirmed the mandatory procedural safeguards that must be followed while arresting an individual and held as under:

*“16. Recently, in **Prabir Purkayastha v. State (NCT of Delhi)** [**Prabir Purkayastha v. State (NCT of Delhi)**, (2024) 8 SCC 254 : (2024) 3 SCC (Cri) 573] , this Court reiterated the aforesaid principles expounded in **Pankaj Bansal** [**Pankaj Bansal v. Union of India**, (2024) 7 SCC 576 : (2024) 3 SCC (Cri) 450] . The said principles were applied to the pari materia provisions [Sections 43-A, 43-B and 43-C of the UAPA.] of the Unlawful Activities (Prevention) Act, 1967. **The Court explained that Section 19(1) of the PML Act is meant to serve a higher purpose, and also to enforce the mandate of Article 22(1) of the Constitution. The right to life and personal liberty is sacrosanct, a fundamental right guaranteed under Article 21 and protected by Articles 20 and 22 of the Constitution.** Reference was made to the observations of this Court in **Roy V.D. v. State of Kerala** [**Roy V.D. v. State of Kerala**, (2000) 8 SCC 590 : 2001 SCC (Cri) 42] **that the right to be informed about the grounds of arrest flows from Article 22(1) of the Constitution and any infringement of this fundamental right vitiates the process of arrest and remand.** The fact that the charge-sheet has been filed in the matter would not validate the otherwise illegality and unconstitutionality committed at the time of arrest and grant of remand custody of the accused. Reference is also made to the principle behind Article 22(5) of the Constitution. **Thus, this Court held that not complying with the constitutional mandate under Article 22(1) and the statutory mandate of the UAPA, on the requirement to communicate grounds of arrest or grounds of detention, would lead to the custody or detention being rendered illegal.***

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31. Providing the written “grounds of arrest”, though a must, does not in itself satisfy the compliance requirement. The authorised officer's genuine belief and reasoning based on the evidence that establishes the arrestee's guilt is also the legal necessity. As the “reasons to believe” are



accorded by the authorised officer, the onus to establish satisfaction of the said condition will be on DoE and not on the arrestee.

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44. We now turn to the scope and ambit of judicial review to be exercised by the court. Judicial review does not amount to a mini-trial or a merit review. The exercise is confined to ascertain whether the “reasons to believe” are based upon material which “establish” that the arrestee is guilty of an offence under the PML Act. The exercise is to ensure that DoE has acted in accordance with the law. The courts scrutinise the validity of the arrest in exercise of power of judicial review. If adequate and due care is taken by DoE to ensure that the “reasons to believe” justify the arrest in terms of Section 19(1) of the PML Act, the exercise of power of judicial review would not be a cause of concern. Doubts will only arise when the reasons recorded by the authority are not clear and lucid, and therefore a deeper and in-depth scrutiny is required. Arrest, after all, cannot be made arbitrarily and on the whims and fancies of the authorities. It is to be made on the basis of the valid “reasons to believe”, meeting the parameters prescribed by the law. In fact, not to undertake judicial scrutiny when justified and necessary, would be an abdication and failure of constitutional and statutory duty placed on the court to ensure that the fundamental right to life and liberty is not violated.”

(emphasis supplied)

17. On being pointedly asked, it is informed that chargesheet has since been filed and the investigation is complete.

18. The petitioner is in custody since 21.04.2025 and has already spent almost 100 days in judicial custody. At this stage, the investigation is complete and the chargesheet has already been filed, there is no chance of the accused absconding or fleeing, if released on bail. Moreover, the same can also be taken care of by putting appropriate conditions.

19. The object of Jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment. The petitioner cannot be made to spend the entire



period of trial in custody specially when the trial is likely to take considerable time.

20. Although, there is *prima facie* merit in the argument raised by the petitioner that the grounds of arrest as supplied do not satisfy the parameters in the terms of judgment passed by the Apex Court, however, considering that the petitioner has even otherwise made out a case for bail, I do not consider it apposite to comment further upon the issue as to the legality of arrest.

21. In view of the above, the petitioner is directed to be admitted on bail in this case (if not in custody in any other case) on furnishing a personal bond for a sum of ₹20,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court, on the following conditions:

- a. The petitioner 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 petitioner shall under no circumstance leave the boundaries of the country without the permission of the Trial Court;
- c. The petitioner shall appear before the learned Trial Court as and when directed;
- d. The petitioner 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 petitioner 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 petitioner shall not commit any other offence while he has been released on bail.

22. In the event of there being any FIR/ DD entry/ complaint lodged against the petitioner, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

23. It is clarified that any observation made in the present order are for the purpose of deciding the present writ petition 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.

24. The petition stands disposed of in the aforesaid terms.

AMIT MAHAJAN, J

JULY 29, 2025

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