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

+ **BAIL APPLN. 1661/2025**

RAHIL KHAN

.....Petitioner

Through: **Mr. Abdul Gaffar, Adv.**

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: **Mr. Tarang Srivastav, APP with SI
Ashish and HC Sunil, P.S.Cyber
South.**

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **03.11.2025**

CRL.M.A. 13193/2025 EXEMPTION

Allowed, subject to all just exceptions.

The application stands disposed of.

BAIL APPLN. 1661/2025

1. This is an application for the grant of anticipatory bail filed on behalf of the petitioner-Rahil Khan in case FIR No. 12/2025 under Sections 318(4)/319(2)/61(2) A BNS registered at P.S. Cyber Police Station South, Delhi.
2. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. He works as a delivery boy for M/s Saima Enterprises, a distributor of Amazon India Ltd. He used to work under the supervision of co-accused Sadiq Hassan who used to allocate the delivery parcels in designated area to the delivery boys. Petitioner at no



occasion had access to the data or details of the customers at any point of time. He was obliged to work as per the instructions of the co-accused, and therefore, the petitioner has no role in the alleged crime as his actions were based on the directives of the co-accused.

3. Learned counsel further submits that petitioner is ready to join investigation and is ready to abide by any condition imposed by the Court.

4. Bail application has been opposed by learned APP submitting that petitioner is the main accused as he made the call to the victim during the commission of the crime and sent the QR Code to the co-accused Mohd. Asif to receive the cheated money and this fact also finds corroboration from the Whatsapp chat produced by the co-accused Mohd. Asif.

5. Learned APP further submits that during interrogation, the account holder of the cheating amount stated that his bank account was used by the petitioner-Rahil Khan to compensate the loan taken by the petitioner from the account-holder.

6. It is also submitted that as per the CDR, the mobile device used in the crime was permanently used by the petitioner including at the time of commission of offence.

7. He further submits that notice under Section 35 BNSS was served three times at the petitioner residence but he has not joined the investigation and is thus hampering the investigation.

8. It is also stated that petitioner has criminal antecedents inasmuch as he is also involved in FIR No. 418/2022 under Section 323/341/34 IPC.

9. As per the allegations, the FIR was lodged at the instance of Vikas Sharma who alleged that he had ordered a mobile phone through Amazon Website with the option of Cash on Delivery. On the delivery date, delivery



boy arrived at his address and handed over a package from Amazon with an invoice pasted on the parcel containing details of the booked mobile phone. The delivery boy took payment of Rs.16,680/- via a QR Code. However, after fifteen minutes, the actual delivery boy arrived and then it was found that someone else had delivered the parcel and taken the money. Upon opening the parcel, it was found containing soap instead of the mobile phone. However, the delivery boy informed the complainant about the fraudster in the area targeting the cases of cash on delivery items.

10. The status report reveals that petitioner had taken the scanner from Waseem on the pretext of repayment of the borrowed money to Waseem and subsequently on 13.02.2025, an amount of Rs.16,680/- was credited to Waseem's BharePe account.

11. It is the petitioner who made the call to the victim and sent the QR Code to co-accused Mohd. Asif to receive the cheated money.

12. Status report further confirms that the petitioner has not cooperated in the investigation. The petitioner's mobile phone is yet to be recovered, and therefore, he is required for custodial interrogation. The successive bail applications filed by the petitioner before the Sessions Court have earlier been dismissed or withdrawn.

13. The Court is of the opinion that the allegations qua the petitioner are grave and serious in nature, petitioner is required for custodial interrogation, hence, this is not a fit case for the grant of pre-arrest bail at this stage.

14. The application for anticipatory bail is therefore dismissed.

RAVINDER DUDEJA, J

NOVEMBER 3, 2025/ib/na