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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ BAIL APPLN. 1825/2025 & CRL.M.A. 14799/2025,
CRL.M.A. 14800/2025, CRL.M.A. 14802/2025

PRAHLAD @ LALAApplicant
Through: Mr. Imran Ali and Mr.
Javed Alam, Advs.

versus

STATE OF NCT OF DELHIRespondent
Through: Ms. Richa Dhawan, APP
for the State with SI Sunil
Chandra, PS Ambedkar
Nagar and SI Ankur
Singh, Vigilance, South
District.

+ BAIL APPLN. 1830/2025 & CRL.M.A. 14822/2025,
CRL.M.A. 14823/2025, CRL.M.A. 14825/2025

RAVI KUMARApplicant
Through: Mr. Imran Ali and Mr.
Javed Alam, Advs.

versus

STATE OF NCT OF DELHIRespondent
Through: Ms. Richa Dhawan, APP
for the State with SI Sunil
Chandra, PS Ambedkar
Nagar and SI Ankur
Singh, Vigilance, South
District.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
14.08.2025

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1. The present applications have been filed by the applicants seeking pre-arrest bail in FIR No. 415/2023 dated 23.08.2023, registered at Police Station Ambedkar Nagar for the offences under Sections 420/468/471/120B of the Indian Penal Code, 1860 ('IPC').
 2. The FIR in the present case was registered pursuant to a joint complaint given by the complainants alleging that they have been cheated by the accused persons of an amount of ₹45,00,000/- on the pretext of providing them government jobs in MCD.
 3. It is alleged that the complainants provided the deal amount to the accused persons, however, no job was ever arranged for them.
 4. It is alleged that the accused persons used to change the photographs on the ID Cards and Aadhar Cards of MCD employees who had either passed away or had left service and the same were provided to the complainants.
 5. It is alleged that the complainants were even paid a salary for some months to assure them that they were provided with genuine jobs.
 6. During the course of investigation, the statements of the complainants under Section 161 of the Code of Criminal Procedure, 1973 ('CrPC') was recorded, wherein, one of the complainants had specifically named co-accused Prem Lata in his statement.
 7. The complainant stated that co-accused Prem Lata was the one who had told them that she had approach with higher MCD officials and on payment of some amount, MCD jobs can be arranged for them. He further stated that she introduced the
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complainants to the other co-accused persons.

8. Subsequently, co-accused Prem Lata and one person named, Rakesh were arrested in the present case on 25.02.2025 and 26.02.2025.

9. It is alleged that during interrogation co-accused Prem Lata in her disclosure statement named the present applicants and stated that she used to work in connivance with the applicants to commit the alleged offence.

10. The learned counsel for the applicants submits that the applicants have not been named in the present FIR nor any allegations have been made against them.

11. He submits that neither any money trail or financial transactions have been attributed against the present applicants nor have they benefitted from the alleged scam.

12. He submits that the Investigating Officer along with the complainants are demanding money from the applicants and threatening them to falsely implicate them in the present FIR.

13. *Per contra*, the learned Additional Public Prosecutor for the State vehemently opposes the grant of relief to the present applicants and consequently prays that the present applications be dismissed.

14. I have heard the learned counsel for the parties and perused the record.

15. The considerations governing the grant of pre-arrest bail are materially different than those to be considered while adjudicating application for grant of regular bail, as in the latter case, the accused is already under arrest and substantial investigation has been carried out by the investigating agency.

16. It is trite law that the power to grant a pre-arrest bail is
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extraordinary in nature and is to be exercised sparingly. Thus, pre-arrest bail cannot be granted in a routine manner. The Hon'ble Apex Court, advertent to its previous precedents, has discussed the parameters to be considered while considering pre-arrest bail applications, in the case of ***State of A.P. v. Bimal Krishna Kundu*** : (1997) 8 SCC 104, has held as under:

“8. A three-Judge Bench of this Court has stated in Pokar Ram v. State of Rajasthan [(1985) 2 SCC 597 : 1985 SCC (Cri) 297 : AIR 1985 SC 969] : (SCC p. 600, para 5)

“5. Relevant considerations governing the court's decision in granting anticipatory bail under Section 438 are materially different from those when an application for bail by a person who is arrested in the course of investigation as also by a person who is convicted and his appeal is pending before the higher court and bail is sought during the pendency of the appeal.”

9. Similar observations have been made by us in a recent judgment in State v. Anil Sharma [(1997) 7 SCC 187 : 1997 SCC (Cri) 1039 : JT (1997) 7 SC 651] : (SCC pp. 189-90, para 8)

“The consideration which should weigh with the Court while dealing with a request for anticipatory bail need not be the same as for an application to release on bail after arrest.”

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12. We are strongly of the opinion that this is not a case for exercising the discretion under Section 438 in favour of granting anticipatory bail to the respondents. It is disquieting that implications of arming the respondents, when they are pitted against this sort of allegations involving well-orchestrated conspiracy, with a pre-arrest bail order, though subject to some conditions, have not been taken into account by the learned Single Judge. We have absolutely no doubt that if the respondents are equipped with such an order before they are interrogated by the police it would greatly harm the investigation and would impede the prospects of unearthing all the ramifications involved in the conspiracy. Public interest also would suffer as a consequence. Having apprised himself of the nature and seriousness of the criminal conspiracy and the adverse impact of it on “the career of millions of students”, learned Single Judge should not have persuaded himself to exercise the discretion which



Parliament had very thoughtfully conferred on the Sessions Judges and the High Courts through Section 438 of the Code, by favouring the respondents with such a pre-arrest bail order.”

17. It is the case of the prosecution that the applicants along with the other co-accused persons have cheated the complainants for an amount of ₹45,00,000/- on the pretext of providing them jobs in MCD.

18. In the present case, the applicants have been named in the disclosure statement of the co-accused Prem Lata. In her disclosure statement she stated that in 2018, she was working as a sweeper under applicant Ravi, who had informed her that some vacancies had come up for the post of ‘Safai Karamchari’ in MCD and that he and applicant Prahlad could arrange jobs for candidates in exchange for money.

19. She further stated that she used to share the money collected with the applicants, who allegedly used to arrange for office orders/appointment letters and ID Cards after tampering with the original Adhar Cards of the complainants and changing them with names of MCD employees who have either passed away or have left service.

20. Undisputedly, the disclosure statement of the co-accused is not admissible evidence without further corroboration. However, when specific roles have been attributed to the applicants, the same cannot be ignored.

21. It is the contention of the applicants that the Investigating Officer along with the complainants are demanding money from the applicants.

22. This Court *vide* order dated 31.07.2025 directed the DCP concerned to look into the aforesaid allegations and file an



affidavit to that extent.

23. Affidavit in compliance of the order dated 31.07.2025 has been filed.

24. It is noted that the applicants had failed to produce any evidence to substantiate their allegation that the Investigating Officer along with the complainants had demanded money from the them.

25. From a perusal of the affidavit, it can be seen that when the applicants were categorically asked as to when and where had the Investigating Officer asked for bribe, applicant Prahlad stated that it was applicant Ravi who had dealt with the Investigating Officer regarding the said aspect.

26. However, when the same question was posed to applicant Ravi, he stated that he had given Investigating Officer some money through complainant Rohit, however, no evidence was provided by him to prove the said fact.

27. Further after perusing the transcripts of the videos as provided by the applicants there is no instance where it has been recorded that the Investigating Officer along with the complainants had demanded money from the present applicants.

28. When the evidence as led by the applicants was put to the complainants, they stated that the only intention with which they had accompanied the Investigating Officer to the house of the applicants was to recover the money that the applicants had allegedly cheated from the complainants.

29. During the course of enquiry, the Investigating Officer was also examined, wherein, he stated that he along with the complainants had gone to the house of the applicants with the sole purpose to serve a notice under Section 41(a) of the Code of BAIL APPLN. 1825/2025 & BAIL APPLN. 1830/2025

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Criminal Procedure, 1973 ('CrPC') to join investigation and the same was recorded by the family members of the applicant.

30. He further stated that it was applicant Prahlad that was trying to escalate the situation by saying words against the Investigating Officer and the complainants, whereafter, all three of them left from the house of the applicants without serving the aforesaid notice to join investigation.

31. In view of this report of the DCP as stated in the affidavit, this Court is *prima facie* of the opinion that the applicants have failed to support their contention that the Investigating Officer as well as the complainants had demanded money from them.

32. The relief of pre-arrest bail is a legal safeguard intended to protect individuals from potential misuse of power of arrest. It plays a crucial tool in preventing harassment and unjust detention of innocent persons. However, the court must carefully balance the individual's right to liberty with the interests of justice. While the presumption of innocence and the right to liberty are fundamental principles of law, they must be considered in conjunction with the gravity of the offence, its societal impact, and the need for a comprehensive and unobstructed investigation.

33. The investigation conducted thus, so far does not indicate that the applicants are sought to be falsely implicated in the present case.

34. In the present case, the allegations against the applicants are serious in nature. It is alleged that gullible people have been cheated in a systematic manner by forging the government record.

35. The possibility of more persons as well as the government department being cheated cannot be ruled out and would require



further investigation.

36. Considering the above and the nature of the offence and the fact that multiple victims have been cheated, some play in the joints ought to be provided to the prosecution.

37. In view of the aforesaid discussion, this Court is of the opinion that, no ground of pre-arrest bail has been made out by the applicants.

38. The present application is accordingly dismissed. Pending application(s), if any, also stand disposed of.

39. It is clarified that any observation made in the present order is 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.

AMIT MAHAJAN, J

AUGUST 14, 2025