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

\+ BAIL APPLN. 2039/2025&CRL.M.A. 16627/2025

SANDEEP KUMAR .....Petitioner

Through: Mr.Subhashish Kumar and Ms.Anamika Mishra, Advocates

versus

STATE NCT OF DELHI .....Respondent

Through: Ms.Priyanka Dalal, APP for the State alnogwith Insp. Raj Kumar Pal, P.S.-IFSO/Spl. Cell/Delhi Police

CORAM:
HON'BLE MR. JUSTICE ARUN MONGA

O R D E R

% 02.09.2025

1. The applicant is before this Court seeking regular bail as an undertrial, having remained under incarceration since 07.01.2025, i.e. approximately 8 months, in a criminal case arising out of FIR No.478/2024 dated 16.10.2024 for the alleged offences under Sections 61(2) [conspiracy], 318(4) [Cheating], 319(2) [Cheating by personation] of BNS, registered at Police Station Special Cell.

2. Briefly speaking, per FIR, the case set up by the complainants, Mr. Ankush Chadha and Mrs. Manila Chadha, is that they were cheated in an online fraud of approximately Rs.1.18 crore. They were introduced to a WhatsApp trading group named “Dhruva Trading Talkgroup-001” by co-accused (Prabhat Kumar), assisted by another co-accused (Ms. Laxmi Surendra). Through this group, the complainants were persuaded to trade on

an online platform called "Total Securities (IFSC)" from 26.08.2024 to 07.10.2024.

2.1 The accused persons, including a so-called "Total Securities manager" and other group members, assured them of high returns through investments in upper-circuit stocks, IPOs, and insider trades. To build confidence, small withdrawals of Rs.3,000-Rs.5,000 were initially permitted.

2.2 However, when the complainants attempted to withdraw larger amounts, excuses were made, and they were pressurized to deposit further sums under the threat that their accounts would be blocked by SEBI. In total, Rs.1,18,38,044/- was transferred from their Axis and HDFC accounts into multiple accounts provided by the fraudsters.

2.3 Thereafter, the complainants were informed that a 9% "tax" had to be paid for withdrawal of funds, and their money was withheld. Consequently, upon receiving their complaint, the Cyber Crime Unit, Special Cell, registered Complaint No. C-293/24 dated 08.10.2024, thereafter, FIR was registered.

2.4 Upon investigation, the police officials apprehended the applicant on the basis of the interrogation of the bank officials.

3. Learned counsel for the applicant would argue on lines of grounds pleaded in the petition *inter alia* urging as below:-

3.1 That the applicant has not been named as an accused in the FIR dated 16.10.2024. A bare perusal of the FIR reveals that the primary grievance of the complainants was directed against the individuals specifically named therein, namely, Mr. Prabhat Kumar, Ms. Laxmi Surendra, and Samia.

3.2 He would contend that the complainants expressed grievances against certain online platforms and communication channels, specifically the WhatsApp groups as well as the Total Securities (IFSC) Platform.

3.3 He would further argue that the main allegations of cheating, forgery, criminal conspiracy, and preparation of forged documents were directed against the named individuals and platforms *viz* "Dhruva Trading Talk Group" and "A4 UCIP Compound Interest Alliance".

3.4 The applicant was not associated with any of aforesaid groups or platforms, which clearly shows that the complainants did not even know the applicant at the time of filing of FIR.

3.5 That the FIR was filed after a delay of 9 days from the commission of the alleged offence, i.e., on 16.10.2024, with no explanation for the delay and such unexplained delay creates a strong possibility of deliberation and fabrication.

3.6 That the applicant has been in judicial custody since 07.01.2025 and has already undergone incarceration for approximately 8 months and the chargesheet in the present case was filed on 24.02.2025. No further investigation is required, hence no further custodial interrogation of the applicant is neither required nor contemplated.

3.7 He would urge that continued incarceration of the applicant serves no justifiable purpose and would amount to punitive detention rather than preventive detention. He would contend that it is settled law that once investigation is complete and the accused is not required for custodial interrogation, the liberty of an individual should not be curtailed unnecessarily.

3.8 He would also argue on merits of the charge-sheet and urge that a bare perusal thereof reveals that a total of Rs. 1,18,38,044/- was deposited by the complainants into 19 different accounts, including an account at Punjab & Sind Bank allegedly linked to the applicant, which received Rs. 27 lakhs. He would argue that it is significant that none of the other said recipients of the funds have been investigated. He would contend that the Punjab & Sind Bank account in question was fraudulently opened by one Ishan Sharma by misusing the applicant's identity.

3.9 Learned counsel for applicant further argues that in his disclosure statement, the applicant categorically stated that he had given his ID proof to Ishan Sharma for securing a loan, and the same was misused to open an account in the name of S.K. Enterprises, with proprietor shown as Sarju Paswan. Only the photograph and address of the applicant were incorporated, while the account was operated and funds withdrawn (Rs. 13 lakhs in cash and Rs. 16 lakhs via RTGS) at the behest of Ishan Sharma and his associates. The applicant even provided Ishan Sharma's ID proof and contact details to the investigating authorities.

3.10 That the specimen signature of the applicant does not match the signature associated with the fraudulent bank account, and except for the misused photograph, the other personal details including address, contact information, and identification numbers do not pertain to the applicant. He would argue that this establishes that the applicant has been a victim of impersonation and misuse of identity. The actual perpetrators, namely Mr. Prabhat Kumar, Ms. Laxmi Surendra, Ishan Sharma, and officials of Punjab & Sind Bank, have not been thoroughly investigated, whereas the applicant alone has been singled out and named in the chargesheet.

3.11 That the trial court was wrongly prejudiced by the existence of two Aadhaar cards with different addresses. He would argue that the applicant earlier resided with his parents in a slum. Later on, he shifted to a rented house and updated his address accordingly. In both the Aadhaar cards, the Aadhaar number, being unique, has remained the same. The Aadhaar card used in the fraudulent Punjab & Sind Bank account, however, bore a completely different Aadhaar number, further establishing that the applicant's identity was misused.

3.12 That the applicant is a law-abiding citizen with no prior criminal antecedents.

4. Opposing the bail plea, learned APP for the State would contend that the applicant is not entitled to any relief at this stage given the role attributed to him and his likelihood to evade the pending proceedings. The instant application is thus liable to be dismissed.

4.1 Learned APP opposes the bail application, submitting that the case involves not only cheating but also forgery, which is punishable with imprisonment of up to seven years. She further urges that if released on bail, there exists a reasonable apprehension of the applicant tampering with evidence. She would also contend that there exists a serious apprehension that the accused may abscond and evade the trial and may also indulge in similar offences. Accordingly, the bail application deserves to be dismissed.

5. In the aforesaid backdrop, I have heard the rival contentions and perused the case file.

6. At the outset, it transpires that the allegations of forgery are not *qua* the applicant and in any case, the same is a subject matter of trial and not for this Court to decide.

7. The applicant was not named in the FIR dated 16.10.2024, wherein primarily offences are alleged against specifically named individuals and

certain online platforms. His name surfaced only later during investigation, allegedly due to misuse of his identity (Aadhaar card) for opening a fraudulent bank account. His explanation *qua* two Aadhar cards has been given complete short shrift. His false implication cannot be ruled out. Moreover, the complainants did not even know him at the time of filing the FIR.

8. The applicant has already remained in custody for approximately 8 months, and the trial is moving at a snail's pace. This prolonged pre-trial detention, coupled with the slow progress of proceedings, are contributory factors in favour of granting bail.

9. As regards the apprehension of tampering with evidence, it is pertinent to note that the material evidence has already been seized and is securely in the custody of the prosecution, rendering such apprehension illusory. One of the primary objects of bail is merely to secure the presence of the accused during trial. He has no criminal antecedents and hence, not a flight risk.

10. The applicant has been in custody since 07.01.2025. There is nothing on record to suggest that he would abscond, interfere with evidence, or influence witnesses.

11. Applicant is an MBA graduate, formerly employed as the Head of Administration at EaseMyTrip, and presently runs an electronics shop, Shreejee Communications. The applicant is statedly sole breadwinner of a family comprising his 70-year-old mother, wife aged 30 years, and two minor children aged 5 and 7 years. Being deeply rooted in society, there is no risk of his absconding on that count either.

12. As an upshot and taking wholesome view of the matter, I am of the

considered view that the applicant deserves to be released on bail during the pendency of the trial.

13. Accordingly, the applicant is directed to be released on bail on furnishing of bail bond and surety to the satisfaction of the learned Trial Judge/Duty Judge as the case may be and subject to the usual conditions to be imposed by the learned trial Judge/Duty Judge.

14. Nothing observed herein above shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same is only for the purpose of the disposing of the present bail application.

15. Accordingly, the bail application alongwith pending application stands disposed of.

ARUN MONGA, J

SEPTEMBER 2, 2025
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