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

\+ BAIL APPLN. 2093/2025

DINESH KUMAR .....Petitioner

Through: Mr. Yogesh Rathee, Advocate.

versus

THE STATE NCT OF DELHI .....Respondent

Through: Ms. Priyanka Dalal, APP for the State with S/V Dinesh and SI Sunil Kumar, PS – Special Cell.

CORAM:
HON'BLE MR. JUSTICE ARUN MONGA

O R D E R

% **21.08.2025**

1. Applicant herein seeks regular bail in case FIR No. 0135/2023, dated 12.05.2023, for alleged offences under Sections 419, 420, 120B, 34 of the IPC registered at PS Special Cell.

2. Succinctly speaking, per FIR, it is alleged *inter alia* that the complainant was induced into a financial fraud by one Vasundhara Agarwal, who falsely represented herself as an Audit Officer from Bimalokpal, Kolkata, and along with her associates, impersonated officials of Bimalokpal and RBI to cheat him of his life savings. It is alleged that on 11.05.2022, the complainant first received a call from a courier person, who directed him to contact the said Vasundhara Agarwal, whereafter she misled him into believing that certain amounts were due to him from Aegonlife Insurance and induced him to obtain a file number from one Col. Paras Nath, after which the complainant was persuaded to transfer large sums of money on various pretexts such as registration fee, NOC, SEC charges, Income Tax, GST, foreign conversion fee, nominee fee, etc., on repeated assurances that

the pay-out would be released through RTGS. It is further alleged that on such inducements, the complainant transferred a total sum of ₹65,14,000 between 11.05.2022 and 19.07.2022 into the account of UNVERSAL SECURE in UCO Bank, and thereafter, on similar false assurances, transferred a further sum of ₹22,40,000 between 28.07.2022 and 04.08.2022 into another account of UNVERSAL SECURE in Bank of Maharashtra, thereby suffering a total loss of ₹87,54,000. It is further stated that the accused obtained copies of the complainant's Aadhaar, PAN and cancelled cheque, fabricated a story of proceedings before Kolkata High Court through a fictitious judge, and thereafter introduced a new pretext of a non-MICR bank draft purportedly issued in the complainant's favour, demanding further amounts, whereafter contact was discontinued post 13.09.2022. The complainant has also recorded some conversations with the accused persons as evidence. It is thus alleged that the complainant, a senior citizen, has been duped by the accused persons into parting with his hard-earned savings, leading to a total financial loss of ₹87,54,000, and has lodged the present FIR seeking recovery and action against the fraudsters.

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

4. Learned counsel for the applicant submits that the applicant was arrested on 16.07.2022 and is under incarceration ever since. He would also state that the petitioner has no role to play in the commission of the offence and is being made a scapegoat owing to a vague and unfair investigation.

4.1 Learned counsel would submit that there is an unexplained delay between the filing of the complaint on 06.10.2022, registration of the FIR on

17.05.2023, and the arrest of the petitioner on 16.07.2024, during which period the petitioner was never interrogated or called to join investigation.

4.2 He would further submit that the offences alleged are punishable with a term up to seven years, and the present case squarely falls within the ambit of Sections 41 and 41A CrPC, which have not been complied with by the Investigating Officer. Learned counsel would also contend that the right to life, liberty, and speedy trial under Article 21 of the Constitution is sacrosanct, and even in cases of alleged economic offences, bail is not to be denied as a rule but considered on a case-to-case basis.

4.3 Learned counsel would further submit that multiple bail applications before the Trial Court and Sessions Court have been dismissed, while one application before the Hon'ble High Court was withdrawn with liberty to file afresh. The learned counsel would further submit that the petitioner, a small garment vendor, has remained in custody for the past ten months. Moreover, he has withdrawn money only on the instructions of one Rana on a commission basis.

4.4 He would further submit that prosecution has failed to produce any concrete material connecting the petitioner to the alleged fraudulent transactions and relies solely on circumstantial evidence, which is insufficient to establish guilt. The investigation is complete, the chargesheet has been filed, and the trial is likely to take considerable time. It is lastly submitted that the petitioner is a permanent resident of Jaipur, Rajasthan, is the sole breadwinner of his family, undertakes not to misuse the liberty of bail, and to abide by any condition imposed by this Hon'ble Court, and hence continued incarceration would amount to a violation of his fundamental rights.

5. Per contra, learned counsel for the respondent submits that the bail applications of the applicant have already been dismissed by this court vide order dated 08.01.2025 and by trial court in past.

5.1 Learned counsel further submits that the applicant is not entitled to any relief at this stage, as there remains a genuine risk of him tampering the evidences and also influencing the witnesses of the case.

5.2 He further submits that the applicant changed his address in past and hence, there exists a genuine risk that the accused evading and jumping the bail.

6. Having heard, it seems to me a fit case of bail at this stage. Let us see how.

7. The alleged cheating relates to the inducement of the complainant into transferring money to bank accounts. The evidence is primarily documentary and has already been seized during investigation. Therefore, there is no possibility of tampering.

8. The applicant is a 29-year-old with no criminal antecedents other than the alleged FIR, wherein he is implicated, thus doesn't seem to be a flight risk. Further continued incarceration would thus serve no useful purpose, especially, when the trial is not likely to conclude in the near future.

9. The applicant has already spent considerable time in custody, and the trial is unlikely to conclude in the near future. The applicant is not a habitual offender, and all material evidence is documentary in nature and has already been seized, rendering his custodial interrogation unnecessary.

10. Moreover, the investigation has already been completed and the chargesheet thereof has been filed by the Investigating Officer. No further purpose would be served in keeping the applicant in prolonged pre-trial custody.

11. Taking a wholesome view of the matter i.e. the applicant, arrested on 16.07.2024, has been in custody for 13 months and claims no involvement in the alleged offence, asserting he was made a scapegoat due to an unfair investigation, coupled with unexplained delays between the complaint, FIR, and arrest, non-compliance with Sections 41 and 41A CrPC, the alleged offences carry a maximum of seven years' punishment, and no concrete evidence links the applicant to the fraud beyond circumstantial proof; he only withdrew money on instructions for a commission. With the investigation complete, chargesheet filed, and trial unlikely to be concluded anytime soon, it appears to be fit case for bail at this stage.

12. Accordingly, in respect of FIR No. 135/2023 dated 12.05.2023, the applicant is directed to be released on bail upon furnishing a bail bond and surety of equivalent amount, to the satisfaction of the learned Trial Court, and subject to usual conditions.

13. Nothing observed hereinabove 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.

ARUN MONGA, J

AUGUST 21, 2025
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