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

\+ BAIL APPLN. 2401/2025

SONU KUMAR IN JC .....Petitioner

Through: Mr. Biswajit Swain, Mr. Rohit Chauhan and Mr. Rahul Chauhan, Advocates.

versus

THE STATE GOVT OF NCT DELHI .....Respondent

Through: Ms. Priyanka Dalal, APP for the State.

CORAM:
HON'BLE MR. JUSTICE ARUN MONGA

O R D E R

% **26.08.2025**

1. Claiming himself to be falsely implicated in FIR No.352/2024 dated 20.08.2024, registered at P.S. Special Cell, the applicant is before this Court seeking bail during pendency of the trial, for alleged offences under Sections 61(2), 318(4), 319(2) of the BNS.

2. Per FIR, the complainant, Sh. Mritunjay Prasad Singh, alleged that his mobile number was hacked/leaked, following which he began receiving unsolicited calls and messages relating to trading analysis.Thereafter, the complainant was added to a WhatsApp group named ‘Groww Capital’, where one Mr. Singh introduced himself as an Analyst at Groww Securities and, in that capacity, provided a SEBI-registered account number IN2000301838 along with a link to download an application resembling the Groww trading platform.

2.1 Induced by such representations, the complainant joined the platform and began investing in IPOs. His first IPO investment was in *IXICO* on 08.06.2024, followed by subsequent IPOs, which showed substantial notional gains. His initial investment was reflected as having grown to approximately Rs.50 lakhs.

2.2 During this period, the complainant transferred a total sum of Rs.90,05,000/- from his ICICI Bank A/C No. 031401001051 into multiple bank accounts provided by the accused persons. Thereafter, further investments were made, including a final IPO subscription requiring Rs.95 lakhs.

2.3 Subsequently, on 01.07.2024, when the complainant attempted to withdraw funds, his request was declined citing "security reasons," and his account was frozen. On 04.07.2024, he was induced to pay a "security fee," yet his account remained frozen, and further demands for tax payments were raised.

2.4 The complaint was received at IFSO, Special Cell, and was taken up for enquiry. It was found that the complainant had been dishonestly induced and cheated by an organized racket on the false promise of high returns in share trading and IPO investments.

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

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

4.1 That the applicant has been falsely implicated in the matter as there is neither any direct nor indirect evidence to connect him with the commission of the alleged offences.

4.2 That the applicant is not even named in the FIR and no specific allegation has been attributed to him. Despite this, he has been arrayed as an accused without any cogent material in the charge sheet to substantiate his alleged involvement.

4.3 That the petitioner has been in judicial custody since 07.12.2024, i.e., for more than seven months, and the investigation in the matter already stands completed. The charge sheet has been filed, and therefore no useful purpose would be served by continuing his incarceration. He would also submit that the applicant has been released on interim bail on 30.04.2025 as per the nominal roll.

4.4 That the applicant is the sole breadwinner of his family. He has an infant son, who is stated to be unwell, and aged parents suffering from age-related ailments. His prolonged detention has caused severe hardship to his dependents.

5. Opposing the bail plea, learned APP for the State would that the applicant played a pivotal role in the offence by arranging mule bank accounts, which were indispensable for perpetrating large-scale cheating. Through his active assistance, Rs.45,00,000/- was siphoned off from the complainant, thereby facilitating the syndicate's unlawful enrichment. She would further contend that given his familiarity with the modus operandi of such rackets, he can readily procure similar accounts and, if released, is likely to re-engage in such activities.

5.1 She would also argue that applicant's enlargement on bail poses a serious risk of misuse of liberty, as he may abscond and evade trial. Learned APP would also submit that applicant's release would be contrary to the interests of justice, as there remains a genuine risk of him absconding or tampering with the evidence.

5.2 She would also urge that the learned Trial Court *vide* order dated 05.03.2025, dismissed the applicant's bail on the ground of magnitude of the offence and the role of the applicant and thus on the same grounds, the applicant is not entitled to any relief at this stage.

6. Having heard, I am of the view that the arguments of the learned counsel for the applicant seem to have merit but all that is matter of trial, to be adjudicated at the appropriate stage, but otherwise it is a fit case for bail. Let us see how.

7. Pertinent it is to note that the investigation in the matter has been completed and the charge-sheet has already been filed. Given that the applicant has remained in custody for approximately seven months while the trial is progressing at a snail's pace, further incarceration would serve no useful purpose. Particularly, when the trial is unlikely to conclude in the near future, thereby violating the fundamental principle that bail is the rule and jail the exception.

8. As regards the apprehension of tampering with evidence is concerned or influencing or intimidating the witnesses, the applicant has been in custody since 07.12.2024, has cooperated throughout the investigation, and there is nothing to suggest that he would abscond, interfere with evidence, or influence witnesses. One of the primary objects of bail is to secure the presence of the accused during trial. The applicant has no criminal antecedents, poses no flight risk, and continued detention may amount to punishment before conviction, at this stage.

9. The applicant is also the sole breadwinner and caretaker of his family, and his prolonged detention is causing severe hardship to his dependents who are living under penury.

10. As an upshot and taking a wholesome view of the matter, the applicant is directed to be released on bail on his furnishing personal bond with solvent surety of like amount to the satisfaction of the Trial Court/Duty Judge concerned as the case may be, subject to the other usual conditions to be imposed by the learned Trial Court.

11. Any observation made herein above is only for the purpose of disposing of the instant bail application and not to be construed, in any manner, as any expression on the merits of the pending case and the trial shall proceed without being influenced either way by the same.

12. Accordingly, the bail application stands disposed of.

ARUN MONGA, J

AUGUST 26, 2025/rs/nk