$~3

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

\+ BAIL APPLN. 2542/2025

MAHESHBHAI KANTIBHAI BHADIYADRA .....Petitioner

Through: Mr. Harshit Pandey and Mr. Supriya, Advs.

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Utkarsh, APP for the State.
Mr. D. C. Seth, Adv. for Complaint with Complainant in person.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

O R D E R

% **21.11.2025**

1. Second Application under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 ("BNSS") has been filed on behalf of the Petitioner for grant of Regular Bail in FIR No.0069/2024 under Section 420 IPC, registered at PS: Cyber Police Station, South West Delhi.

2. As per the case of prosecution, on 06.07.2024, Complainant Sachin Tanwar filed FIR No.0069/2024, wherein he named one Naresh Rathi and his assistant Linda, of having committed fraud of Rs.40,00,000/- on him. The allegations were that the Complainant clicked on a Facebook post regarding investment in the share market, while scrolling through his Account's feed. He was added to a WhatsApp group namely 'DZS Investors gathering place' and was informed about an Application called 'ASAM Plus' for investments and he deposited over Rs.40,00,000/- in various tranches between 24.05.2024 and 27.06.2024 through different banking channels which he never got back.

3. The Applicant submits that he was not named in the FIR while his account was alleged to have received Rs.9,50,000/- from the Complainant.

4. On 26.07.2024, the Investigating Officer visited the Applicant's house to investigate, wherein the Applicant and his family fully cooperated. Applicant informed that his friend namely Hardikbhai Anghan owed him money and in order to return the money, Hardikbhai took his account details, wherein he received Rs.9,50,000/-. He asked Hardikbhai Anghan about having received money more than what was owed to him, on which Hardikbhai Anghan informed him that he got this money from someone who owed him Rs.9,50,000/-. Thereafter, they went to nearby ATM to withdraw the money, from which the Applicant took the money that was owed to him.

5. After more than eight months, on 11.03.2025, the Investigating Officer came to Applicant's house in Surat and arrested him without informing his family of the grounds of his arrest. On 19.03.2025, he filed Bail Application No.479/2025 before learned ASJ, Patiala House Courts, New Delhi seeking Regular Bail, which got dismissed. However, Hiteshbhai Bhadiyadra (Applicant's brother) and Hardikbhai Anghan were granted Anticipatory Bail on 22.04.2025 by learned ASJ, even though, they had similar role as the Applicant's.

6. On 06.05.2025, a comprehensive Report was filed by the IO, wherein it was recorded that Applicant has paid Rs.3,00,000/-, the amount which he had unknowingly received at the instance of Hardikbhai.

7. Chargesheet has been filed before learned CJM on 08.05.2025, wherein the accused persons including the Applicant have been charged under Sections 420/120B IPC.

8. Applicant submits that he is in judicial custody since 11.03.2025. Co-accused Mahendrabhai Natvarbhai Prajapati has also been in custody since 03.04.2025. Accused No. 3 namely Pradeep Kumar Jain has joined

investigation. Another accused namely Hiteshbhai Bhadiyadra has been granted Anticipatory Bail on 22.04.2025. Other accused persons including but not limited to Hardikbhai Anghan, Naresh Rathi, Linda are still absconding and are yet to be investigated.

9. **Bail is sought on the ground** that the Applicant is not named in the FIR and there is no direct allegation or *prima facie* evidence linking him to the commission of the alleged offence. Prosecution has failed to establish even a remote nexus between the Applicant and the alleged offence. He had merely received Rs.9,50,000/- in his account, without there being any corresponding evidence of he having any knowledge about the fraud.

10. The investigation *qua* the Applicant stands concluded and the Chargesheet has already been filed before the Court. His mobile phone and other communication channels have been forensically examined by the Police and no material has been found, which shows that the Applicant was aware of the fraud. The Applicant has no criminal antecedents and is a law-abiding citizen. Hence, Bail is sought.

11. **Status Report has been filed on behalf of the State**, wherein details of entire investigations have been stated. It is explained that from the Bank statement of the Complainant, obtained from ICICI Bank, it was revealed that cheated amounts have been transferred to ten different Bank accounts. Money trail of the cheat money was traced and it was found that out of Rs.39,00,000/- an amount of Rs.9,50,000/- had been transferred to the Applicant's account. **Bail is opposed on the ground** that the Applicant is linked with 21 different Criminal Complaint on National Cyber Crime Reporting Portal ('NCRP'). He has cheated approximately Rs.40,00,000/- in a well-planned manner on the pretext of investment and no amount has been recovered from him.

Co-accused Hardikbhai Anghan, Naresh Rathi, Linda and some other are still absconding. Considering the nature of allegations and involvement of the Applicant, **Bail is opposed**.

12. Learned APP for the State further submits that though Rs.40,00,000/- have been cheated from the Complainant's account, but the total amount of Rs.9,50,000/- has been received in the Applicant's account in the present case.

Submission heard and record perused.

13. Allegations in the present FIR are limited to receipt of Rs.9,50,000/- in the Applicant's account from the Complainant. Admittedly, Rs.3,00,000/- have already been returned by the Applicant to the Complainant. The Applicant is in judicial custody since 11.03.2025. The Chargesheet has already been filed. One suspect/co-accused has already been admitted to Anticipatory Bail.

14. While the Bail is opposed on the ground that on the Portal of National Cyber Crime Reporting, there are 21 Complaints against the Applicant and the amounts received by him are more than Rs.40,00,000/-. But, present Petition pertains to the Complainant being cheated only of Rs.9,50,000/-. The Applicant is no longer required for custodial interrogation or any other purpose.

15. Considering his incarceration and that the trial is likely to take long, the Petitioner/Accused is granted Regular Bail, on the following terms and conditions:

a) The Petitioner/Accused shall furnish a personal bond of Rs.35,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court;

b) The Petitioner/Accused shall appear before the Court as and when the matter is taken up for hearing;

c) The Petitioner/Accused shall provide his mobile number/ changed mobile number to the IO concerned which shall be kept in working condition at all times;

d) The Petitioner/Accused shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses; and

e) In case the Petitioner/Accused changes his residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.

16. The copy of this Order be communicated to the concerned Jail Superintendent, as well as, to the learned Trial Court.

17. The Bail Application is accordingly disposed of. Pending Application, if any, also stands disposed of.

NEENA BANSAL KRISHNA, J.

NOVEMBER 21, 2025/*R*