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

\+ BAIL APPLN. 2680/2025 and CRL.M.A. 20890/2025 & CRL.M.A. 20891/2025

PAPPU RAY .....Petitioner

Through: Mr. Aadil Singh Boparai, Mr. Sirhaan Seth, Mr. Shubham Raj Anand, Mr.Abhishek Dubey, Ms. Prakruthi Jain and Mr. Saurya Pratap Singh, Advocates.

versus

STATE GNCT OF DELHI & ANR. .....Respondents

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

CORAM:
HON'BLE MR. JUSTICE ARUN MONGA

O R D E R

% **28.08.2025**

1. The applicant is before this Court having remained under incarceration since 16.11.2024, seeking indulgence of this Court for grant of bail during pendency of the trial in the criminal proceedings arising out of FIR No. 102/2024 dated 22.10.2024 for alleged offences under Sections 3(5), 61(2), 318(4) BNS, registered at Cyber Police Station, South Delhi.

2. Per the FIR, the prosecution's case is that on 05.10.2024 the

complainant Ms. Chandna Verma, R/o Malviya Nagar, received a WhatsApp message from mobile no. 827469070, impersonating Delhi Jal Board official Sourav Kumar, regarding meter updation. The accused shared meter details and directed her to download an app and pay ₹9 online. On repeated payment attempts through internet banking and debit card, unauthorized transactions were made from her Kotak Mahindra Bank account. She later received emails of premature withdrawal of her F/D and debits of ₹1,77,000 and ₹2,96,739.11. The complainant immediately blocked her card, uninstalled the app, and filed a cybercrime complaint on the same day. Subsequent attempts of fraudulent debits were also noticed.

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

4. The learned counsel for the applicant would submit that primary allegation against the applicant is that he allegedly sent a malicious APK file to the complainant in the guise of Delhi Jal Board which led to unauthorized access to the complainant's phone and subsequent fraudulent transactions in her bank accounts, but the SIM card in question is not registered in the applicant's name nor he has been seen withdrawing the monies that have been illegally transferred from the complainant's account to third party accounts. He would further contend that instead the SIM card has been allegedly recovered from the applicant in an unrelated FIR bearing No. 111/2024 registered at Deogarh, Jharkhand. No direct forensic or digital evidence exists to establish that the Applicant ever sent the alleged APK file or gained unauthorized access to the Complainant's device.

4.1 The learned counsel would further contend that the actual recipients (one Deepak Sharma and Rashid Ahmed) of the siphoned funds are exonerated by the prosecution and given a clean chit by the prosecution yet the applicant has been kept behind bars unnecessarily and in the backdrop, seeks release on the basis of parity.

4.2 Moreover, he would contend that the applicant is languishing in jail for around 9 months and the investigation qua him is complete as the chargesheet has also been filed.

4.3 The learned counsel would also contend that the applicant is a young man of 25 years and comes from a modest background, with deep roots in the society and is unlikely to abscond or tamper with evidence.

5. Opposing the bail application, learned APP would contend that upon investigation, it was found that the applicant was already arrested in another FIR bearing No. 111/2024 by Police Station Cyber Crime Thana, Deoghar, Jharkhand and calling number along with mobile devices related to the present case were recovered from his possession.

5.1 She would further contend that the applicant is involved in a serious cyber offence and is a part of a bigger nexus. Other co-accused persons are yet to be arrested and remain absconding.

5.2 Moreover, she would submit that the applicant is not a resident of Delhi and may abstain from appearing in the trial, the applicant can also access the devices remotely and erase the data.

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

7. Case set up by the applicant is that though he is accused of sending a malicious APK file disguised as Delhi Jal Board, enabling unauthorized access to the complainant's phone and resulting in fraudulent bank transactions, but the SIM card linked to the offense is neither registered to

the applicant nor is there evidence of him withdrawing the misappropriated funds, and the SIM was allegedly recovered in an unrelated FIR. No direct forensic or digital proof ties him to sending the APK or accessing the complainant's device. The actual recipients of the siphoned funds were exonerated, yet the applicant remains in custody, seeking parity. He has been jailed for about nine months, the investigation and charge sheet are complete, and he is a 25-year-old from a modest background with strong societal ties, making absconding or evidence tampering unlikely.

8. Although, there is some substance in the arguments of the learned counsel for the applicant on the non culpability of the applicant but the same are matter of trial and can be adjudicated only at the appropriate stage, but in light thereof it appears to be a case for bail.

9. The alleged cheating relates to taking unauthorized access of the complainant's phone and transferring money to various bank accounts. The evidence is primarily documentary and has already been seized during investigation. Therefore, there is no possibility of tampering with the evidence.

10. The applicant is a 25-year-old in the prime of his youth belonging to modest background and continued incarceration would thus serve no useful purpose, especially, when the trial is not likely to conclude in the near future.

11. Apart from parity, which applicant seeks with co-accused, I am of the view even otherwise, given the nature of offence, role attributed to him and duration of incarceration which the petitioner has already undergone, i.e. 9 months, he is entitled to bail at this stage since chargesheet has been filed and no further investigation is warranted. Thus, no further custody is also

required.

12. However, petitioner is being kept in jail only for preventive measures on the unfounded suspicion that he may tamper with the evidence. As far as the evidence, the same is also mostly documentary and electronic in nature and it has been seized by the prosecution and beyond the reach of the applicant.

13. 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/Duty Court.

14. 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.

15. Accordingly, the bail application stands disposed of.

ARUN MONGA, J

AUGUST 28, 2025
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