$~90

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

\+ BAIL APPLN. 2911/2025

VARGHESE SEBASTIAN .....Petitioner

Through: Mr. Chandra Shekhar Yadav and Mr. Astitva Srivastava, Advocates.

versus

GOVERNMENT OF NCT OF DELHI .....Respondent

Through: Mr. Manoj Pant, APP for State along with SI Mohit Kumar.

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

O R D E R

% **04.08.2025**

CRL.M.A. 22624/2025 (exemption)

1. Allowed, subject to all just exceptions.

2. Application stands disposed of.

BAIL APPLN. 2911/2025

3. By way of the present application, the applicant is seeking grant of anticipatory bail in case arising out of FIR bearing no. 197/2023, registered at Police Station Connaught Place, New Delhi, for the commission of offences punishable under Sections 420/120B/34 of Indian Penal Code, 1860 (hereafter *'IPC'*).

4. Issue notice. Mr. Manoj Pant, learned APP accepts notice on behalf of the State.

5. Briefly stated, facts of the present case are that the complainants had

come to know, in the year 2022, about one Varghese Sebastian, who had allegedly lured them with the promise of employment opportunities in Canada. The complainants had been invited to his office located at Connaught Place, New Delhi, where accused Varghese Sebastian, along with Mr. Regin C. and co-accused Grace Varghese, had assured them of secured placements in Canada. It has also been alleged that, pursuant to such assurances, the complainants had transferred a sum of ₹9.5 lakhs through bank transactions to the account of the accused, and had additionally handed over ₹90,000/- in cash to Varghese Sebastian. In return, the complainants had received confirmation letters from the co-accused, who had been introduced by Varghese Sebastian as an immigration officer. Further, the complainants had been instructed to visit Chandigarh to meet one Sumit Julka Verma, who was purportedly responsible for arranging biometric data collection. By January 2023, the complainants had received copies of their visas but had not been handed over their original passports. Thereafter, the accused persons had started avoiding the complainants, and upon realizing that they had been duped of their hard-earned money, the complainants had lodged the present FIR at Police Station Connaught Place.

6. The learned counsel for the applicant argues that the applicant had earlier filed an anticipatory bail application before the learned Sessions Court, which was dismissed vide order dated 18.01.2025; however, a fresh application was subsequently preferred in light of changed circumstances and discovery of new facts that were not within the applicant's knowledge earlier. It is submitted that the applicant has placed on record a detailed chart along with supporting bank statements reflecting that substantial amounts received from the complainants were either returned or transferred to one

Regin C., who is the main accused and has since been arrested by the police of PS Aloor. It is further contended that the complainants themselves had lodged FIRs in Kerala on the same cause of action but failed to disclose the same in their complaints to the Delhi Police. The applicant has relied upon verification conducted by the Investigating Officer, who confirmed that the bank transactions were genuine and accurately reflected refunds made to the complainants. The learned counsel further submits that the Sessions Court erred in failing to consider the said verifications as well as the fact that out of a total amount of ₹8.56 lakhs, ₹3 lakhs had already been refunded and the remaining ₹5.56 lakhs were transferred to the main accused, thereby evidencing the applicant's non-complicity. It is also argued that the applicant had no intention to abscond or tamper with evidence, and that she has fully cooperated with the investigation. Accordingly, it is prayed that the present application deserves favourable consideration in the interest of justice.

7. The learned APP for the State, on the other hand, argues that the allegations against the applicant are serious in nature and relate to a well-planned conspiracy to cheat innocent individuals under the guise of providing overseas employment opportunities. It is submitted that the complainants were induced to part with substantial sums of money based on false representations made jointly by the applicant and her co-accused, and that these representations were calculated and systematic. The learned APP contends that the applicant had actively participated in the commission of the offence by issuing confirmation letters purporting to be from immigration authorities, which facilitated the deception and lent credibility to the fraudulent scheme. The applicant's role, it is argued, appears to be

more than peripheral, and custodial interrogation may be necessary to unearth the wider conspiracy. Accordingly, it is prayed that the present application be dismissed as no case for anticipatory bail is made out.

8. This Court has heard the arguments addressed by the learned counsel for the applicant and learned APP for the State, and has perused material on record.

9. In the present case, it has been alleged that the applicant, along with co-accused persons, had induced the complainants to part with their hard-earned money by misrepresenting that they would be provided with employment opportunities in Canada. The record reflects that the complainants had been invited to a professionally set-up office in Connaught Place, New Delhi, where they were introduced to other co-accused persons including one Ms. Grace Varghese, who was allegedly presented as an immigration officer. The professional set-up and the multi-person involvement prima facie suggests an organized racket and not an isolated act.

10. The investigation further reveals that the complainants had paid a total sum of ₹7.66 lakhs through bank transfers and an additional amount of ₹90,000/- in cash to accused Varghese Sebastian. In exchange, they were issued confirmation letters which are now suspected to be forged. They were further directed to visit Chandigarh for biometric verification—a step often involved in legitimate immigration processes—thus indicating a deliberate effort to simulate authenticity and mislead the victims.

11. It is a matter of record that by January 2023, the complainants had been shown what were alleged to be Canadian visas but were never returned their original passports. Soon thereafter, all communication from the

accused persons ceased, and the victims were left defrauded. The sequence of events suggests a pre-planned conspiracy and systematic execution of fraud.

12. The co-accused persons, including Regin C. and Sumit Julka Verma, are absconding and not cooperating with the investigation. Their continued evasion from law lends credence to the apprehension that this is not an isolated instance, but part of a larger fraudulent operation. The recovery of the defrauded amount is still pending and cannot be ruled out that the applicant holds vital information which could assist the investigation in recovering the funds or identifying other accomplices.

13. There also exists a reasonable apprehension that if the applicant is released on bail at this stage, he may attempt to tamper with the evidence or threaten the complainants and other witnesses, who are ordinary citizens and had been vulnerable to such inducements. It has been brought on record that the applicant has not fully cooperated with the investigating agency, and custodial interrogation is considered necessary to unearth the entire extent of the conspiracy and financial trail.

14. The nature of the offence in question is serious, involving deception, breach of trust, and financial exploitation of multiple victims, thereby adversely impacting public confidence in legal migration processes. The offence has cross-jurisdictional elements (involving Delhi and Chandigarh), and a possibility of more unsuspecting victims coming forward cannot be ruled out.

15. In view of the above discussion, this Court finds that the allegations against the applicant are grave and supported by material on record at this stage. Grant of bail at this juncture would impede further investigation and

may embolden the applicant or absconding co-accused to evade justice.

16. Accordingly, the present application for anticipatory bail is dismissed.

17. It is, however, clarified that nothing expressed hereunder shall tantamount to an expression on the merits of the case.

18. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

AUGUST 04, 2025/vc