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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2993/2025 & CRL.M.A. 23136/2025**

SEEMA YADAVApplicant

Through: Mr. Ranjan Kumar, Adv.
versus

THE STATE GOVT OF NCT OF DELHIRespondent

Through: Ms. Richa Dhawan, APP
for the State with SI Ritu
Dangi, PS Cyber,
Shahdara.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **11.08.2025**

1. By the present bail application, the applicant seeks pre-arrest bail in FIR No. 50/2025 dated 19.06.2025, registered at Police Station Cyber Police Station Shahdara, for offences under Sections 318(4)/61(2) of the Bharatiya Nyaya Sanhita, 2023.
2. The FIR was registered pursuant to a complaint made by the complainant, namely, Pratham Sauskar, who alleged that the accused persons had induced him to pay certain amount on the false pretext of securing a job. It is alleged that the complainant had applied for a job through 'Job Hai' app and he had come into contact with one HR Kamal through the said app. Allegedly, the said person had called the complainant for an interview at a given address. Thereafter, the complainant was contacted for document verification and he was made to pay small amounts under different pretexts. When the individuals demanded more money, the complainant realised that he was being scammed.
3. During investigation, it was found that the premises where the complainant was interviewed had been rented by the applicant and her husband, and the rent agreement was in the



name of the applicant.

4. The learned counsel for the applicant submits that the co-accused person, in whose name the money was transferred, has not been arrested by the Police and the said co-accused has only been bound down for the purpose of further investigation.

5. He submits that one of the mobile phones used for the purpose of committing the alleged crime was found to be registered in the name of co-accused Rahul, who is the husband of the applicant. He submits that co-accused Rahul has already been admitted on bail.

6. He submits that co-accused Rahul had sought to shift blame by stating that the mobile phone used in the commission of the offence was being used by the applicant.

7. He submits that the applicant is not the beneficiary of the offence and she was merely an employee of the Treasure Find Solution Company. He submits that the documents given by the applicant at the time of joining the job had been misused to prepare the rent agreement.

8. *Per contra*, the learned Additional Public Prosecutor for the State has pointed out that four more complaints have been received in the NCRP portal in regard to the online frauds against the applicant. She submits that the preliminary verification indicates that the accounts used for transfer of the money belong to the son of the applicant and the mobile phone used for the purpose of committing the crime was also held by the applicant. She submits that the applicant was not an employee of the alleged placement agency but responsible for running the same.

9. She vehemently opposes the grant of any relief to the applicant on account of the nature and gravity of the offence.



10. I have heard the counsel and perused the record.

11. The considerations governing the grant of pre-arrest bail are materially different than those to be considered while adjudicating application for grant of regular bail, as in the latter case, the accused is already under arrest and substantial investigation has been carried out by the investigating agency.

12. It is trite law that the power to grant a pre-arrest bail is extraordinary in nature and is to be exercised sparingly. Thus, pre-arrest bail cannot be granted in a routine manner. The Hon'ble Apex Court, advertent to its previous precedents, has discussed the parameters to be considered while considering pre-arrest bail applications, in the case of ***State of A.P. v. Bimal Krishna Kundu : (1997) 8 SCC 104***, has held as under:

“8. A three-Judge Bench of this Court has stated in Pokar Ram v. State of Rajasthan [(1985) 2 SCC 597 : 1985 SCC (Cri) 297 : AIR 1985 SC 969] : (SCC p. 600, para 5)

“5. Relevant considerations governing the court's decision in granting anticipatory bail under Section 438 are materially different from those when an application for bail by a person who is arrested in the course of investigation as also by a person who is convicted and his appeal is pending before the higher court and bail is sought during the pendency of the appeal.”

9. Similar observations have been made by us in a recent judgment in State v. Anil Sharma [(1997) 7 SCC 187 : 1997 SCC (Cri) 1039 : JT (1997) 7 SC 651] : (SCC pp. 189-90, para 8)

“The consideration which should weigh with the Court while dealing with a request for anticipatory bail need not be the same as for an application to release on bail after arrest.”

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12. We are strongly of the opinion that this is not a case for exercising the discretion under Section 438 in favour of granting anticipatory bail to the respondents. It is disquieting that implications of arming the respondents, when they are pitted against this sort of allegations involving well-orchestrated conspiracy, with a pre-arrest bail order, though subject to some conditions, have not been taken into account



by the learned Single Judge. We have absolutely no doubt that if the respondents are equipped with such an order before they are interrogated by the police it would greatly harm the investigation and would impede the prospects of unearthing all the ramifications involved in the conspiracy. Public interest also would suffer as a consequence. Having apprised himself of the nature and seriousness of the criminal conspiracy and the adverse impact of it on “the career of millions of students”, learned Single Judge should not have persuaded himself to exercise the discretion which Parliament had very thoughtfully conferred on the Sessions Judges and the High Courts through Section 438 of the Code, by favouring the respondents with such a pre-arrest bail order.”

13. It is argued on behalf of the applicant that the premises where the complainant was called for the purpose of fraudulent interview was taken on rent by the alleged placement agency which was operating the premises in her name, however, she was only an employee of the said agency.

14. The statement of the landlord was recorded by the Investigating Agency, who stated that the premises in question were in fact taken on rent by the applicant. *Prima facie*, at this stage, the contention raised by the applicant seems to be without any basis.

15. Considering the material on record, it cannot be held at this stage that the investigation is being carried out with the intention to injure or humiliate the applicant.

16. On a number of occasions, this court has observed the proliferation of cyber frauds, wherein the accused exploit the vulnerability of gullible individuals by enticing them on false pretexts and dupe them out of their hard earned money. In the present case as well, the complainant was cheated on the pretext of helping him secure a job. It is pointed out that apart from the present FIR, the applicant has been tagged in four other



complaints of similar nature, however, considering the propensity of the offence, the actual number of victims may be much higher.

17. It is to be kept in mind that the investigation is currently at a nascent stage. Looking at the nature of the offence, the task of the investigating agency is arduous. In such a scenario, in the opinion of this Court, some play in the joints has to be provided to the State. Granting anticipatory bail to the applicant would undoubtedly impede further investigation. An order of bail cannot be granted in a routine manner so as to allow the applicant to use the same as a shield.

18. In view of the aforesaid discussion, even though the amount involved is not huge, however, considering the manner in which the offence has been committed and the applicant's involvement in other offences of similar nature, in the opinion of this Court, the applicant is not entitled for grant of pre-arrest bail.

19. The present bail application is, therefore, dismissed. Pending application(s) also stand disposed of.

AMIT MAHAJAN, J

AUGUST 11, 2025 / 'KDK'