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

\+ BAIL APPLN. 3052/2025

ZIAUR RAHMAN .....Petitioner

Through: Mr. S.D Singh, Ms. Meenu Singh, Mr. Siddharth Singh, Advocates

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Mukesh Kumar, APP for the State

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 17.09.2025

1. The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023[1] (erstwhile Section 439 of the Code of Criminal Procedure, 1973[2]) seeks regular bail in proceedings arising from FIR No. 138/2025 registered under Sections 308(4)/318(4)/351(3)/351(4)/61(2) of the Bharatiya Nyaya Sanhita, 2023[3] at P.S. Crime Branch.

2. The facts of the case, in brief, are as follows:

2.1. The present FIR was registered, on the complaint of one Mohammad Waliullah (Complainant), an Indian citizen residing in Dubai, alleging that in June–July 2024, while on vacation in Delhi along with his family, his minor son, Affan Waliullah, came in contact with three individuals from his

[1] "BNSS"
[2] "Cr.P.C."
[3] "BNS"

locality, namely Abdul Kareem (son of the Applicant), Arbaz, and Imran. These individuals befriended Affan, gained his trust, and thereafter Abdul Kareem began sending him threatening messages through Instagram and Snapchat, demanding protection money. Out of fear, Affan allegedly paid INR 7,50,000/- in three instalments in cash to Abdul Kareem and the Applicant.

2.2. It is further alleged that in October 2024, after the Complainant and his family had returned to Dubai, co-accused Abdul Kareem and Arbaz also travelled there, where they threatened Affan in a similar manner and extorted AED 13,30,000/- in cash. When the Complainant noticed a shortage of funds, his son eventually disclosed the incident. The Complainant thereafter confronted Abdul Kareem and Arbaz at his residence in Dubai, upon which they returned AED 2,50,000/- and Abdul Kareem executed a handwritten note admitting receipt of the extorted money.

2.3. Investigation revealed that during this period, the Applicant was also present in Dubai with his son, Abdul Kareem, and that the extorted funds were transferred to India through informal "grey channels." Arbaz, in his statement, admitted handing over AED 2,50,000/- to one Avez Ahmad @ Mister Bhai of Azamgarh on Abdul Kareem's instructions. Avez, during inquiry, admitted to having received AED 50,000/- from the Applicant for safe custody. Investigation further reveals that Abdul Kareem regularly routed bulk cash transactions through Avez and had also spoken to the Applicant during the Dubai confrontation.

2.4. Investigation into the financial records of the Applicant reveals several inconsistencies. While the Applicant's income tax return for FY 2023–24 disclosed an income of only INR 4,98,650/-, he and his family were found to possess assets worth nearly INR 95.73 lakhs, including a luxury SUV (Toyota Fortuner) registered in the name of his wife, Tanvir Fatma, which was substantially funded by the Applicant. His lifestyle and asset holdings were thus found to be grossly disproportionate to his declared income.

2.5. The Applicant was arrested on 21st June, 2025, and remanded to judicial custody the following day. He has since been charge-sheeted for offences under Sections 308(4), 318(4), 351(3), 351(4), 61(2), 336(3), 338, and 340(2) of BNS, 2023.

3. Counsel for the Applicant advances the following grounds for grant of bail:

3.1. The Applicant asserts that he has been falsely implicated. There is no specific allegation that the Applicant himself threatened or extorted money from the Complainant's son.

3.2. The investigation against the Applicant stands concluded and the chargesheet has already been filed. His continued custody is not required for any further investigative purpose; and with the commencement of trial likely to take considerable time, further incarceration would partake the character of punitive detention.

3.3. The Applicant was residing and employed in Qatar during the period when the alleged incidents took place; his involvement is, therefore, unfounded.

3.4 The essential ingredients of the offence under Section 318 of BNS are not satisfied, even if the allegations are accepted at face value. No recovery has been effected from the Applicant that could connect him to the alleged offence.

3.5. There is an unexplained delay of nearly seven months in the registration of the FIR, which materially undermines the prosecution's version and casts serious doubt on the veracity of the allegations.

3.6. The allegations pertaining to extortion in Dubai are outside the jurisdiction of the investigating agency, and the Complainant's conduct in not approaching the local authorities at the relevant time renders his version doubtful.

3.7. The Applicant is a law-abiding citizen with roots in society, having no criminal antecedents, and is willing to abide by any conditions imposed by this Court. His continued incarceration would amount to pre-trial punishment.

4. *Per Contra,* Mr. Mukesh Kumar, APP for the State, opposes the bail application and submits the following:

4.1. The allegations against the Applicant are grave and serious, involving extortion of large sums of money through threats and intimidation, both in India and abroad.

4.2. Investigation has *prima facie* revealed Applicant's complicity. The immigration records establish his presence in Dubai at the relevant time. His financial profile shows assets disproportionate to his declared income. Further, the disclosure statement of co-accused Avez records that the Applicant entrusted him with AED 50,000 for safe custody, while co-accused Arbaz has admitted that Abdul Kareem had spoken to the Applicant during the Dubai confrontation. These circumstances directly connect the Applicant to the alleged conspiracy.

4.3 The Applicant has not cooperated in the investigation, particularly in explaining the source of funds and irregular financial dealings. His evasive stance creates a genuine apprehension that he may abscond if released.

4.4. There is also a likelihood of the Applicant tampering with evidence or attempting to influence the course of investigation if enlarged on bail.

5. The Court has duly considered the rival submissions and the material on record. While evaluating a bail application, the relevant factors include: whether there is a *prima facie* case or reasonable grounds to believe the accused has committed the offence, the likelihood of the accused repeating the offence, the nature and seriousness of the accusation, the severity of the potential punishment upon conviction, the risk of the accused absconding or fleeing if granted bail, and the possibility of the accused intimidating witnesses or tampering with evidence.

6. It is well settled that at the stage of considering bail, the Court is not expected to undertake a meticulous evaluation of evidence or conduct a mini-trial. Nor should the Court return findings that may prejudice either party at trial. The inquiry is limited to whether the material placed on record, if accepted at face value, *prima facie* discloses sufficient grounds to proceed against the applicant.

7. Thus, for the limited purpose of forming a *prima facie* view, it is noted that the prosecution case against the Applicant is essentially premised on his financial irregularities, his presence in Dubai with co-accused Abdul Kareem during the extortion episode, and his communication with Abdul Kareem and Avez, who allegedly facilitated transfer of funds through informal channels. However, no recovery has been effected from the Applicant, nor is there material to show that he himself issued threats to the Complainant or his son. The allegations, at this stage, rest substantially on circumstantial material and disclosure statements of co-accused, the

probative value of which can appropriately be tested at trial.

8. Further, investigation is complete and the chargesheet has already been filed. As per the Nominal Roll, the Applicant has remained in custody since 21st June, 2025 and his overall jail conduct has been reported to be satisfactory. The Applicant also does not have any criminal antecedents and no other case is pending against him.

9. The apprehensions expressed by the State regarding the possibility of the Applicant absconding or tampering with witnesses can be effectively safeguarded by imposing stringent and appropriate conditions while granting bail.

10. It is well settled through a catena of judgments of the Supreme Court that the object of bail is neither punitive nor preventive, but to ensure the presence of the accused during trial.[4] In light of the aforesaid principles and the facts noted hereinabove, the Court considers it appropriate to enlarge the Applicant on bail.

11. The Applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of INR 50,000/- with two sureties of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;

b. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;

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[4] See also: ***Sanjay Chandra v. CBI***, (2012) 1 SCC 40; ***Satender Kumar Antil v. Central Bureau of Investigation***, (2022) 10 SCC 51.

c. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;

d. The Applicant shall appear before the Trial Court as and when directed;

e. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;

f. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;

g. The Applicant shall report to the concerned P.S. on first Friday every three months;

12. In the event of there being any FIR/DD entry/complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

13. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

14. The bail application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

SEPTEMBER 17, 2025/ab