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

\+ BAIL APPLN. 3062/2025

INDRAJEET KUMAR .....Petitioner

Through: Mr. Jitendra Kumar Singh, Mr.Manish Kumar and Mr. Jaideep Rathi, Advocates.

versus

THE STATE OF NCT DELHI .....Respondent

Through: Ms. Priyanka Dalal, APP for the State.
Mr. R.K. Tripathi, Advocate for complainant.

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 04.04.2025, seeking indulgence of this Court for grant of bail during pendency of the trial in the criminal proceedings arising out of FIR No. 99/2025 dated 27.03.2025 for alleged offences under Sections 318(4) [Cheating], 319(2) [Cheating by personation], 61(2) [Criminal conspiracy], BNS, registered at Special Cell, Dwarka, Delhi.

2. Per the FIR, the complainant, Mahesh Kumar, who is the Director and Finance Head of Rishab Global Industries Pvt. Ltd., New Delhi, reported a case of cheating and impersonation. He narrates that the company's

Managing Director, Mr. Rishab Jain, travelled to London for business on 17th March 2025. Due to network issues, Mahesh Kumar was unable to maintain regular communication with Mr. Jain during this time. On 18th March 2025, he received a WhatsApp message. The display picture on the WhatsApp profile matched that of Mr. Jain, and the message claimed it was his new mobile number. Believing this to be a genuine update from his Managing Director, the complainant continued the conversation.

2.1 The impersonator first asked Mahesh Kumar to check the company's bank account balance and subsequently instructed him to transfer ₹70 lakhs to an ICICI Bank account held in the name of ISJ Enterprises. Acting in good faith, and assuming the instructions were coming from Mr. Jain, the complainant transferred the funds in multiple parts (₹15 lakhs x 4 and ₹10 lakhs) from the company's SBI account number 35930695041.

2.2 The next morning, on 19th March 2025, the same individual again contacted the complainant, asked for the updated account balance, and then directed him to transfer an additional ₹45 lakhs to an SBI account in the name of Pramukh Advertising, located at Rajkot, RK Nagar branch. The complainant complied once more and transferred the amount in three instalments of ₹15 lakhs each.

2.3 When Mahesh Kumar requested a phone call to confirm the instructions, the impersonator claimed to be in a meeting and avoided any verbal communication. This raised doubts in the complainant's mind, prompting him to verify the situation. He soon discovered that Mr. Jain had not contacted him from the said number, and he had in fact been defrauded by an unknown person impersonating his Managing Director. In total, ₹1.15 crores had been fraudulently transferred from the company's account.

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

4. Learned counsel for the applicant would argue on lines of grounds pleaded in the petition inter alia urging as below:-

4.1 The learned counsel for the applicant would submit that the applicant is falsely implicated in the matter. It is contended that the applicant travelled to Jaipur to meet with one, Vikas Singh, who made him meet one, Deepak. Deepak promised the applicant 1.65% + GST if he let him use his account for gaming related transactions.

4.2 He would further contend that on 04.04.2025, without serving any notice, warrant, or disclosing the purpose of such action, the applicant was arrested from his workplace by 3-individuals who were neither in uniform nor bearing any identification or nameplates in complete violation of his fundamental rights.

4.3 Moreover, he would contend that no notice under Section 35(3) BNSS (erstwhile Section 41A CrPC) was served and concocted story was generated by the prosecution claiming that the notice was given to the applicant and he was directed to appear within couple hours.

4.4 Moreover the applicant would submit that the prosecution did not investigate the CCTVs in the Jaipur hotel, etc where the applicant met with Vikas Singh and Deepak, and only after 30 days the CCTV footage was requisitioned, when it is general knowledge that usually CCTV footage after 30 days is removed.

4.5 Furthermore, he would contend that Vikas Singh has been granted bail and no further investigation has been done qua him, even though the Trial Court has asked the prosecution to undertake additional enquiries.

4.6 Moreover, he would contend that the applicant is a sole breadwinner and his mother has frail health which requires constant financial and emotional care.

5. Opposing the bail application, learned APP would contend that upon investigation, it was found that the money was instantly disbursed, which later on was disbursed to 140 accounts upto 7 layers. The applicant received a large sum of money.

5.1 She would further submit that the investigation with respect to other accounts is still underway to unearth the whole network used to defraud common public.

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

7. The applicant's case is that he has been falsely implicated. The applicant met Vikas Singh in Jaipur, who introduced him to Deepak, promising 1.65% + GST for using his account in gaming transactions. On 04.04.2025, he was arrested from his workplace without notice, warrant, or identification, violating his fundamental rights. No notice under Section 35(3) BNSS was served, and the prosecution fabricated a story of such notice. The prosecution delayed requisitioning hotel CCTV footage for 30 days, by which time it was likely erased. Vikas Singh has been granted bail, and no further investigation against him was done despite court directions.

8. The alleged cheating relates to inducing the complainant to transfer money to a bank account. The evidence is primarily documentary and has already been seized during investigation. Therefore, there is no possibility of tampering with the evidence.

9. Statedly, the applicant is a businessman dealing in DG generator sets

for several years, having deep roots in the society. Thus, continued incarceration would thus serve no useful purpose, especially, when the trial is not likely to conclude in the near future.

10. Apart from the duration of custody coupled with the fact that the applicant is the only care taker of his mother who is stated to be suffering from serious spinal ailments owing to which she is stated to be currently bedridden and the applicant's father is no more and thus, his widow mother has to essentially depend upon him for all the medical care and otherwise survival in life, I am of the view that applicant apart from the other reasons as enumerated hereinabove at this stage is entitled to bail.

11. Even though the investigation is pending with respect to other accounts as per the status report, the chargesheet has already been filed, and since the prosecution is investigating other bank accounts, the custodial interrogation of the applicant is not 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 regards the arguments of the learned APP on merits, there may be some substance in the same but that is a matter to be adjudicated by the Trial Court.

14. 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.

15. 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. In case applicant is found involved in any repeat offence while on bail, the prosecution shall be at liberty to seek cancellation of the bail granted to the applicant in the present case vide instant order.

16. Accordingly, the bail application stands disposed of.

ARUN MONGA, J

AUGUST 28, 2025
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