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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3094/2025**

RAKESH KUMAR DUTTA

.....Petitioner

Through: Mr.Amit Chadha, Sr. Advocate with
Mr.Hirein Sharma, Mr.Aamir
Chaudhary, Mr.Saurabh Goel,
Mr.Harjas Singh, Ms. Archana an
Ms.Sakshi Yadav, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms.Priyanka Dalal, APP for the State
alongwith Insp. Kailash, P.S.-Karol
Bagh

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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14.08.2025

CRL.M.A. 24049/2025 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

BAIL APPLN. 3094/20

1. The applicant is before this Court having remained under incarceration since 01.07.2025, seeking indulgence of this Court for grant of bail during pendency of the trial in the criminal proceedings arising out of FIR No. 0871/2025 dated 01.07.2025 for alleged offences under Sections 3(5), 61(2), 318(4) BNS, registered at P.S. Karol Bagh.
2. Per FIR, the case set up by the prosecution is that on 30.06.2025, the complainant who works in mobile accessories business at Pal Mohan Plaza, Karol Bagh, contacted his friend Ajay to buy USDT crypto currency.



Thereafter, Ajay called the complainant to Saraswati Marg, Raviraj Chowk, Karol Bagh, and asked him to pay Rs. 57 lakhs for USDT Crypto Currency. Thereafter, Ajay introduced the complainant to Anmol, who further introduced him to his partner Shivam and all of them assured the complainant that there was no problem of any kind and his work will be done.

2.1 Anmol and Shivam took the complainant to 15A/46, first floor, where 2–3 men were already sitting. A man sitting in the office asked the complainant to place the money on the table, and after the assurance of Anmol and Shivam, the complainant placed ₹57 lakh in cash on the table for counting. The complainant shared his USDT wallet details with Ajay, but Anmol refused and insisted that the said cryptocurrencies be sent to his USDT wallet and said that he would send the same to the complainant's USDT wallet.

2.2 After receiving the payment in his wallet, Anmol claimed he did not have the payment. In the meantime, three more persons arrived, one man in a white T-shirt took the carton of money downstairs, placed it in a Fortuner car bearing number DL10CP9797 and fled with the second person, while the person who was counting the money left on a scooter (last digits 9010). The complainant states that Ajay, Anmol, Shivam, and other unidentified persons have cheated him to the tune of Rs. 57 lakhs.

2.3 The FIR was thus, lodged for alleged offences constituting criminal conspiracy and cheating.

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

4. Learned senior counsel for the applicant would inter alia argue that no



criminal case is made out against the applicant, as per the contents of the FIR. There is no prior criminal record qua the applicant. There is no reasonable apprehension that the applicant will tamper with evidence, influence witnesses, or abscond during the trial. On the contrary, the applicant has extended full cooperation during the investigation, and his conduct throughout has been exemplary.

4.1. The applicant has been in custody since 01.07.2025. The investigation is complete.

4.2. Moreover, he informs that even the amount of Rs. 57 lakhs involved in the matter has already been recovered and released to the complainant.

4.3 Learned senior also seeks parity, in as much as, a co-accused, Ajay Chaudhary, who is alleged to have played a more serious role in the case, has been granted regular bail by the Learned Trial Court on 16.07.2025.

5. Opposing the bail plea, the learned APP for the State argues that the applicant is not entitled to bail and seeks support from the reasons contained in the order dated 22.07.2025 passed by the learned session court rejecting bail.

6. Be that as it may, given that the complainant himself is now not supporting the prosecution's version as per the FIR, and aside from this, the co-accused Ajay Chaudhary has also been granted the concession of bail *vide* order dated 16.07.2025, I am of the view that it is a fit case where the applicant herein on the ground of parity as well, deserves the concession of bail.

7. Also, there has been significant change of circumstance after dismissal of bail by the learned session judge i.e. it is now not disputed that the entire consideration i.e. Rs. 57 lakhs, which at the relevant time the



complainant had alleged that he was cheated out of in the FIR, has been returned to him. But even otherwise, *prima facie* it appears to be a civil dispute which due to heated tempers between both sides took an ugly turn resulting in registration of the FIR in question.

8. In any case, one of the primary the objects of bail is to secure the presence of the accused during trial. The applicant has been in custody since 01.07.2025, has fully cooperated with the investigation, and there is no material to suggest that he would abscond, tamper with evidence, or influence witnesses. The applicant has deep roots in society and no criminal antecedents.

9. 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 Magistrate/Duty Magistrate concerned, as the case may be, subject to the other usual conditions to be imposed by the learned Trial Court.

10. Nothing observed herein above shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same is only for the purpose of disposing of the present bail application.

11. Accordingly, the bail application stands disposed of.

ARUN MONGA, J

AUGUST 14, 2025/dy