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

\+ BAIL APPLN. 3184/2024, CRL.M.(BAIL) 1485/2024

MANOJ KUMAR PATEL .....Petitioner

Through: Mr. Anirudh Joshi, Mr. Arjun Sharma, Mr. Mayank Pandey, Advocates.

versus

STATE OF NCT & ANR. .....Respondents

Through: Ms. Priyanka Dalal, APP for the State with SI Sudhir Kumar, Div New Delhi.

CORAM:
HON'BLE MR. JUSTICE ARUN MONGA

<u>O R D E R</u>

% **01.08.2025**

1. Applicant is before this Court having remained unsuccessful in his past multiple foray seeking concession of bail for alleged offences attracting Sections 420, 120B of Indian Penal Code vide an FIR no.119/2021 dated 14.10.2021 registered against him at PS Barakhmba Road. Prior hitherto, coordinate bench of this Court dismissed his bail application vide an order dated 27.09.2023 and his last bail application filed by him was dismissed on 18.07.2024 by the Ld. ASJ, Patiala House Court.

2. Succintly speaking, per FIR, it is alleged inter alia that the complainant has been cheated by a team of people, out of which, the

applicant was also a part of. Complainant is a 68 year old retired man, who is suffering from multiple ailments and incurs a lot of expenses on his treatment. He alleges that he has been cheated of about Rs. 60 lakhs. He narrates that he met Haqmuddin who was a colleague with his daughter's neighbour and proposed that he invest with the company, namely BTC ADS PRO that invests in bitcoin and assured high returns on his investments. It is further stated in the FIR that Haqmuddin provided booklet, details of the registration of the company, which showed its address as Coddan Cpm, 3rd Floor 120 Baker Street, London, ENGLAND, W1 U6TU-UK and having a website with the address as www.btcads.pro. The complainant believed that the accused person is a genuine man and started investing with Haqmuddin. Initially, he gave 3 cheques of Rs. 80,800/- but Haqmuddin kept on insisting on paying cash to him. After building trust with the complainant, the accused persons convinced the complainant to invest huge amounts with the accused person. The complainant states that he invested an amount to the tune of Rs. 60 lakhs. The ids for reflecting the daily returns was active till 15.03.2018 but post that, the accused persons stopped sending the daily return status to the complainant. The complainant met with the applicant on 04.11.2019 at Hotel Pride Plaza, Aero City, Delhi where the applicant and Taiyyab Hussain(other co-accused) assured the complainant that they will return the money by 13.12.2019. Thereafter, more assurances were given by the co-accused persons (Haqmuddin, Islamuddin and Taiyyab Hussain) that after getting released from jail, the applicant will pay the money back to the complainant.

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

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case, with no substantive material linking him to the alleged offence. He is a permanent resident of Jodhpur and poses no flight risk. The applicant is willing to furnish adequate surety and abide by any bail condition. No recovery has been made from him during the investigation, and custodial interrogation is no longer required. Therefore, continued detention would amount to punishment without trial.

4.1. It is further argued that all co-accused named in the charge-sheet dated 19.07.2022 have already been granted bail and are facing trial. The principle of parity, therefore, should be applied to the applicant as well.

4.2. Counsel contends that the allegations in the FIR against the applicant are vague, baseless, and unsupported by credible evidence. The FIR does not disclose the commission of any specific offence by the applicant.

4.3. It is also submitted that the Ld. Sessions Court, while rejecting previous bail applications dated 17.05.2022 and 18.03.2023, failed to appreciate that findings at the anticipatory bail stage are not determinative when deciding regular bail. Bail should only be denied in cases involving extremely grave offences or where there is a real risk of absconding, tampering with evidence, or obstructing justice—none of which apply to the applicant.

4.4. Lastly, Ld. Counsel for the applicant argues that applicant has no criminal antecedents and has fully cooperated with the investigation. No prejudice would be caused to the prosecution if he is released on bail. On the contrary, continued incarceration would result in grave injustice and irreparable harm to the applicant.

5. Opposing the bail plea, the learned APP argues that the applicant is not entitled to any relief, as he is a habitual offender with as many as 40 FIRs registered against him. She further submits that even his family members, including his wife and parents, have disowned him during the course of the investigation. Given his background, it is highly unlikely that his whereabouts would remain traceable if released on bail.

6. Having heard and seen the record, first and foremost, it is pertinent to note that although the FIR initially invoked Sections 420 and 120B IPC, but upon completion of investigation, the charge-sheet was filed under Sections 406, 409, 420, and 120B IPC. However, during framing of charges, the learned Trial Court retained only Sections 420 and 120B, dropping all the other charges.

7. The applicant was arrested on 22.04.2022 and has been in custody for over three and a half years. What has weighed heavily against him is the existence of numerous FIRs indicating a pattern of cheating the general public. While it is unclear whether he has been granted bail in those FIRs or not, this Court is presently concerned only with FIR No. 119/2021.

8. Qua his whereabouts, it is borne out that the address of the applicant's father, as reflected in the nominal roll, appears to be genuine. On the previous date of hearing, the applicant's father had appeared in this Court which is not disputed. He had produced his Aadhaar card, which matches the address in the nominal roll. On a Court query, Counsel for applicant assures that the applicant, if granted bail, shall reside at this same address, and therefore, concerns about his absconding are misplaced.

9. The alleged cheating relates to inducement into a cryptocurrency business through back-channel remittances. The evidence is primarily documentary and has already been seized during investigation. Therefore, there is no possibility of tampering.

10. It is also not in dispute that the charge-sheet has already been filed, and the investigation is complete. The need for custodial interrogation, therefore, does not arise now.

11. Moreover, even assuming the worst-case scenario, the maximum punishment under Section 420 IPC is seven years. Given that the applicant has already undergone over half of this period in pre-trial custody, continued incarceration would be excessive and unwarranted. If it were a case of suspension of sentence post-conviction, the applicant would likely be eligible for relief based on time already served.

12. The applicant has already spent considerable time in custody, and the trial is unlikely to conclude in the near future, infringing his fundamental right to a speedy trial under Article 21 of the Constitution. The applicant is not a habitual offender and no recovery has been made from him; all material evidence is documentary in nature and has already been seized, rendering his custodial interrogation unnecessary.

13. Taking a comprehensive view of the matter, this Court finds no further purpose in keeping the applicant in prolonged pre-trial custody. Accordingly, in respect of FIR No. 119/2021 dated 14.10.2021, the applicant is directed to be released on bail upon furnishing a bail bond and surety of equivalent amount, to the satisfaction of the learned Trial Court, and subject to usual conditions.

14. The Trial Court shall ensure that the applicant gives an undertaking to reside at the address reflected in the nominal roll. If the applicant's passport—stated to have been seized in connection with another FIR—is returned at any point during the pendency of this trial, it shall be surrendered to the Trial Court until final disposal of the present case. Regarding the apprehension of witness influence, the Ld. Trial Court shall ensure that applicant undertakes not to contact the complainant or any prosecution witness, directly or indirectly, during the pendency of the trial.

15. Nothing observed hereinabove 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 the disposing of the present bail application. 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.

ARUN MONGA, J

AUGUST 1, 2025/ps