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

\+ BAIL APPLN. 3133/2025

ANKUR JAIN .....Petitioner

Through: Mr. Kaushal Mehta and Mr. Akhil Anand and Ms. Varsha Gola, Advocates

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Manoj Pant, APP for the State with Mr. Chandrakant, Advocate

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

O R D E R

% **19.08.2025**

CRL.M.A. 24322/2025 (exemption)

1. Allowed, subject to all just exceptions.

2. Application stands disposed of.

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3. By way of the present application, the applicant seeks grant of anticipatory bail in case arising out of FIR bearing no. 461/2023, registered at Police Station Jyoti Nagar, Delhi for the commission of offences punishable under Sections 420/468/ 471/120B/ 34 of the Indian Penal Code, 1860 (hereafter, 'IPC').

4. Issue notice. The learned APP accepts notice on behalf of the State.

5. Briefly stated, the facts of the present case are that on 15.07.2023, a

complaint had been filed by Smt. Sangeeta Gupta, wherein she had alleged that in 2018, accused/ applicant Ankur Jain, along with his partner coaccused Yogesh Sharma, had taken her PAN card, Aadhaar card, and photograph under the pretext of providing a loan to women under the Pradhan Mantri Yojana. Co-accused Yogesh Sharma had met the complainant in the capacity of a representative of PNB Bank and had made her sign some bank documents for processing the loan. Subsequently, when she had inquired about the loan status, she had been told that the file was stuck and that her documents could not be returned as they were still with the bank. On 18.12.2020, present applicant/ accused Ankur Jain, co-accused Yogesh Sharma, and a bank manager named Anupam, working at PNB Bank, Eco Tower, Laxmi Nagar, had visited the residence of the complainant, claiming that additional signatures were required for the loan application. They had obtained signatures on the letterhead of "Dev Enterprises," stating that a loan of ₹5 lakhs had already been approved on this account, and promising to repay it fully before securing another loan for her. The husband of the complainant had grown suspicious and had checked the GSTN number, discovering that GSTN-07CVMPG2586E1ZF, that belongs to Dev Enterprises, had been registered on complainant's PAN card and Aadhaar card address, located at Plot No. 22, Village Ramgarh, BlockB, Near Anand Maya Hospital, Jahangirpuri, Delhi-110033. It had also been revealed during the course of investigation that, by misusing the complainant's documents, a loan amounting to ₹80,00,000/- had been obtained in the name of the business concern, i.e. Dev Enterprises, in April 2019. Out of this amount, two significant transactions had been executed: one exceeding ₹24 lakhs into the bank account of M/s Business Systems and another exceeding ₹47 lakhs into the bank account of Sunil Enterprises.

6. The learned counsel for the applicant submits that the impugned order was passed without paying due regard to the fact that the applicant had complied with the settlement agreement and it was the respondent no. 2 who was disobeying the same without any justification. Further, it has been contended that the impugned order erroneously interprets the terms of the said agreement. Furthermore, it has been submitted that the applicant has been falsely implicated in the present case by the respondent no. 2 who wants to extort money from the applicant. Additionally, it was argued that the applicant was merely assisting respondent no. 2 in obtaining requisite loan amount, for which the documents had been taken. Lastly, it was submitted that the applicant is fully cooperating with the investigation and that no other reason exists that would prejudice his claim for the grant of anticipatory bail.

7. The learned APP, for the state, as well as the learned counsel for the respondent no. 2, on the other hand, submits that the impugned order is legally tenable and that the allegations against the applicant are grave, serious and *prima facie* discloses his involvement in the alleged offences. Additionally, it was submitted that the applicant is deliberately attempting to stall the investigation, thereby opposing the applicant's claim. The learned APP for the State also argues that this is a second bail application of the applicant, the first bail application was rejected on 22.01.2025, however, he has not cooperated with the investigation and that there is no new circumstance which will entitle him to grant of anticipatory bail.

8. This Court has heard arguments addressed by the learned counsel for the applicant as well as learned APP for the State and has perused the

material available on record.

9. The learned counsel appearing for the applicant has argued that since a settlement has been arrived at between the parties after his anticipatory bail application was rejected, it is a new fact which has to be taken into consideration. This Court, however, notes that the learned Trial Court in the impugned order has noted that the present accused has not repaid a single penny of the loan amount which was taken by the accused along with his co-accused using the documents of the complainant. This Court also notes that in the present case since the accused and the co-accused had obtained a loan of Rs.80 lakhs from the bank using documents of the complainant by opening a fake company in the name of the complainant. The present FIR was lodged when the complainant had come to know that the accused had opened a fake company in her name when she had received a notice regarding repayment of loan from the bank, which she had never applied for or obtained. The loan in question which was obtained by misusing the documents of the complainant has not been cleared by the accused and co-accused. Even otherwise, the matter is still pending investigation. As rightly noted by the learned Trial Court also, the co-conspirators are to be identified, proceeds of the crime need to be recovered and the modus operandi adopted by the accused will be clear once his custodial interrogation is undertaken.

10. The accused is alleged to be the main conspirator in the present case. The custodial interrogation of the accused is thus required for ascertaining as to how the loan was obtained from the bank by misusing the of identification of the complainant.

11. Considering the overall facts and circumstances of the present case

and the fact that the last anticipatory bail application of the accused was rejected by this Court on 22.01.2025 and the accused has not cooperated with the investigation thereafter, despite laps of 08 months , no ground for grant of anticipatory bail is made out.

12. Accordingly, the present bail application stands dismissed.

13. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

14. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

AUGUST 19, 2025/zp