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

+ **BAIL APPLN. 3132/2025**

PRAVEEN KUMAR

.....Petitioner

Through: Mr.Hirein Sharma, Mr. Aamir
Chaudhary, Mr.Vimal Tyagi,
Ms.Archna, Ms.S.Yadav, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for the
State.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

19.08.2025

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CRL.M.A. 24319/2025

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

BAIL APPLN. 3132/2025

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, on 30.06.2025 the complainant, Mr. Sumit Aggarwal, contacted his acquaintance Mr.Ajay, the co-accused, for the purchase of USDT cryptocurrency worth Rs.57 lakhs. Ajay called him to Saraswati



Marg, Raviraj Chowk, Karol Bagh, where the complainant was introduced to co-accused-Mr. Anmol, who in turn introduced him to his associate Shivam, also a co-accused. Both Anmol and Shivam assured the complainant that the transaction would be completed smoothly. Thereafter, they escorted him to premises bearing No. 15A/46, First Floor, Karol Bagh, where two to three persons were already present.

2.1 Inside the said premises, one of the persons directed the complainant to place the money on the table. Reassured by Anmol and Shivam, the complainant placed Rs.57 lakhs in cash on the table, which was then counted by one of the individuals present. The complainant initially shared his USDT wallet details with Ajay; however, Anmol intervened and insisted that the cryptocurrency be transferred first to his (Anmol's) wallet, from which it would subsequently be credited to the complainant's account. Acting on this assurance, the transfer was effected to Anmol's wallet.

2.2 Immediately thereafter, Anmol falsely claimed that no payment had been received. At this juncture, three individuals entered the premises, one of whom, picked up the carton containing the cash and hurriedly went downstairs, accompanied by two others. The carton was then placed in a Fortuner vehicle bearing registration No. DL10CP9797, in which two of the accused fled the scene. Another person, who had been engaged in counting the money, also escaped on a scooter.

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

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



4.1 Learned counsel for the applicant would contend that the fundamental presumption of innocence, which is the privilege of every accused, must be borne in mind while considering the facts and circumstances of the present case. It would be contended that even if a *prima facie* case is assumed, in the absence of any reasonable apprehension of tampering with witnesses, evidence, or absconding from trial, the applicant ought to be granted bail. In the present case, both conditions stand satisfied as the applicant has neither the capacity nor intention to tamper with evidence.

4.2 Learned counsel for the applicant would further argue that the applicant has been in custody since 01.07.2025, i.e., from the date of arrest. The investigation stands completed and the sum of Rs.57 lakhs has already been recovered and released to the complainant.

4.3 He would further contend that the co-accused, Ajay Chaudhary, who is alleged to have played a more serious role in the case, has already been granted regular bail *vide* order dated 16.07.2025 passed by the learned Special Judge. Similarly, co-accused Nitin and Rakesh have also been granted regular bail by co-ordinate bench of this court *vide* order dated 14.08.2025.

4.4 He would also argue that, *prima facie*, no case is made out against the applicant in the facts and circumstances of the present case as he is not even named in the FIR. Learned counsel would further submit that the applicant has extended full cooperation and assistance during the course of investigation and his conduct has remained exemplary throughout. It would be urged that further continued incarceration of the applicant would serve no useful purpose, and would only amount to an unwarranted deprivation of his personal liberty.



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 Special Judge rejecting the bail application.

6. Be that as it may, in light of the foregoing discussion, and particularly as the complainant is not supporting the prosecution's version as per the FIR, coupled with the fact that co-accused Ajay Chaudhary has already been granted bail *vide* order dated 16.07.2025, I am of the view that the applicant also deserves the concession of bail on the ground of parity. It is further noted that other co-accused, attributed with a similar role as the petitioner herein, have already been granted bail by co-ordinate bench of this Court *vide* order dated 14.08.2025. Accordingly, I see no reason why the petitioner should be denied the same treatment. Accordingly, the applicant is enlarged on bail.

7. It transpires that there has been a significant change in circumstances after the dismissal of bail by the learned Sessions Judge, inasmuch as it is now undisputed that the entire consideration of Rs.57 lakhs, which, as alleged in the FIR, the complainant had been cheated of, has been returned to him. Even otherwise, *prima facie* the matter appears to be a civil dispute which, owing to heated tempers between the parties, took an ugly turn, resulting in the registration of the FIR in question.

8. In any case, one of the primary objects of bail is to ensure the presence of the accused during trial. The applicant has been in custody since 01.07.2025, has no criminal antecedents, has fully cooperated with the investigation, and there is nothing to suggest that he would abscond, tamper with evidence, or influence witnesses.



9. As an upshot and taking a wholesome view of the matter, the applicant is directed to be released on bail on furnishing of bail bond and surety to the satisfaction of the learned Trial Judge/Duty Judge as the case may be and subject to the usual conditions to be imposed by the learned trial Judge/Duty Judge.

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 19, 2025

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