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

\+ BAIL APPLN. 3203/2025

DEVANAND .....Petitioner

Through: Mr. Vineet Yadav and Mr. Sudesh Kumar Singh, Advocates.

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for State with SI Vipin Tyagi and SI Ashwani Goswami, PS-Cyber NDD.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% **12.11.2025**

1. The present application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023[1] (erstwhile Section 439 of the Code of Criminal Procedure, 1973[2]) seeks regular bail in proceedings arising from FIR No. 19/2024 for the offences under Sections 419/420/120B of the Indian Penal Code, 1860[3] at P.S., Cyber Police Station, New Delhi.

2. The case of the prosecution is as follows:

2.1. The present FIR No. 19/2024 was registered on the complaint of Rajat Gupta, alleging cheating in an online investment scam. The Complainant was induced through an Instagram advertisement and a WhatsApp group to invest approximately INR 66.5 lakh *via* the ALB App on the assurance of

[1] "BNSS"
[2] "Cr.P.C."
[3] "IPC"

high returns, but no money was repaid.

2.2. Investigation traced a sum of INR 8 lakh from the cheated amount to a bank account in the name of Shashi Kant Mishra. On being examined, Shashi Kant disclosed that he had been duped by persons promising a loan and higher CIBIL score, who took his bank-linked SIM card and account credentials while he was staying at a hotel in Delhi.

2.3. CDRs revealed that the said SIM was thereafter used in Dwarka, Delhi, between 16th and 18th May, 2024, through devices linked to the Applicant (Devanand @ Dev @ Professor) and his associate Khushal. The Applicant was arrested on 7th January, 2025, following technical surveillance.

2.4. As per the prosecution, the Applicant and co-accused Khushal used Shashi Kant's account from a hotel in Dwarka to route approximately INR2.63 crore received through investment frauds, and thereafter destroyed the SIM and handset to conceal their identity. The Applicant allegedly received ₹1 lakh for his role, out of which ₹25,000 was paid to Shashi Kant.

2.5. Investigation further revealed that the transaction was part of a m*odus operandi* by a syndicate involving the Applicant and other co-accused, who were found operating multiple mule accounts and routing proceeds of similar cyber frauds across states. The investigation stands concluded, and a chargesheet dated has been filed wherein the Applicant, along with other co-accused has been charge-sheeted under Sections 419/420/120B of IPC.

3. Counsel for the Applicant submits that the Applicant has been falsely implicated in the present case, which rests entirely on circumstantial evidence and disclosure statements without any direct link to him. The Applicant has been in judicial custody since 7th January, 2025, the

investigation now stands concluded, and his continued detention serves no investigative purpose and would amount to punitive incarceration. The maximum punishment for the alleged offences is seven years, and given the period of custody, and the fact that his wife is wholly dependent on him, it is urged that the Applicant deserves a favourable consideration. Reliance is also placed on the principle of parity, as the co-accused have already been granted bail.

4. Mr. Yudhvir Singh Chauhan, APP for the State, opposes the bail application, submitting that the investigation has revealed cogent digital evidence, including CDR analysis and other technical material, directly linking the Applicant to the offence. The present case involves the siphoning of approximately INR 56.5 lakh from a senior citizen, reflecting the grave nature of the crime. The cheated amount is yet to be recovered, and the Applicant's involvement in another similar case (FIR NO. 237/2024 at P.S. Malpura Gate, Jaipur) raises a strong apprehension that he may abscond or reoffend if released. It is further urged that the present offence forms part of an organised cyber fraud network, and therefore, the Applicant does not merit the discretion of bail.

5. The Court has considered the rival submissions and perused the material on record. This case represents yet another instance of cyber fraud where unsuspecting investors are induced through online platforms to part with their savings on the assurance of quick and high returns. The frequency of such cases underscores the growing menace of organised financial crimes being operated through digital networks, often spanning multiple States.

6. The Supreme Court has cautioned that economic offences constitute a class apart and must be approached with greater circumspection while

considering bail, as such offences, involving deep-rooted conspiracies and diversion of public funds, pose a serious threat to the economic health of the nation.[4]

7. In the present case, the material collected during investigation, including CDR, IMEI, and digital evidence, *prima facie* links the Applicant to the bank account through which the cheated funds were routed. The linked SIM card and the Applicant's confirmed presence at the relevant location further substantiate his connection with the transaction. In addition, chat records recovered from the Applicant's device reveal his communication with co-accused persons, suggesting active participation in the operation of the fraudulent network. On an overall consideration, a *prima facie* case is thus made out against the Applicant.

8. Considering the organised nature of the offence and the cross-jurisdictional movement of funds, there exists a reasonable apprehension that the Applicant, if released, may abscond or interfere with the ongoing efforts to trace the wider money trail and other members of the syndicate.

9. The Court also cannot ignore that the Applicant has antecedents in a similar case registered at PS Malpura Gate, Jaipur City (East), Rajasthan. Such previous involvement in like-minded offences indicates a pattern of conduct and raises a tangible risk of reoffending, thereby weighing against the grant of bail.

10. On the aspect of parity, it is settled that bail cannot be granted solely on the ground that co-accused have been enlarged.[5] The Applicant's

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[4] ***Nimmagadda Prasad v. CBI, Hyderabad*** (2013) 7 SCC 466.

[5] ***Rakesh Kumar Pandey v. Munni Singh @ Mata Bux Singh*** in SLP(Crl) No. 4059/2000 decided on 12th March, 2001; ***Mangesh v. Sate, thr PSO, PS Lakadganj, Nagpru*** 2020 SCC OnLine 1905.

individual role, antecedents, and the likelihood of absconding or reoffending must also be considered, which in the present case weigh against the grant of bail.

11. Having regard to the gravity of allegations, the manner of execution, and the potential threat to public confidence in digital financial systems, this Court is not persuaded to exercise discretion in favour of granting bail at this stage.

12. Accordingly, the application stands dismissed

13. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

SANJEEV NARULA, J

NOVEMBER 12, 2025
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