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

\+ **BAIL APPLN. 3256/2025 & CRL.M.A. 25348/2025, CRL.M.A. 25349/2025**

LAKSHAY NANDA .....Applicant

Through: Mr. Anurag Chopra, Mrs. Harsheen M. Palli and Mr. Vardaan Seth, Advs.

versus

THE STATE (NCT OF DELHI) .....Respondent

Through: Ms. Richa Dhawan, APP for the State with Insp. Sandeep Singh, Cyber Cell, Crime Branch.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **26.08.2025**

1. The present bail application is filed by the applicant seeking pre-arrest bail in FIR No. 7/2025 dated 14.06.2025, registered at e-Police Station Crime Branch, for the offences under Sections 318(4)/319/340 of the Bharatiya Nyaya Sanhita, 2023 (‘**BNS**’).

2. The FIR was registered pursuant to a complaint given by one Bharat Bhushan Vatwani, who alleged that he has been cheated for a sum of ₹48,35,000/- in an online investment scam.

3. It is alleged that on 20.05.2025, the complainant came in touch with a woman on Facebook, who introduced him to an online trading platform, namely, fxprovip.com. On the assurances of potential high returns on investment, the

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complainant invested a total amount of ₹48,35,000/- in 18 instalments up to 13.06.2025 on the said platform. Thereafter, the complainant realised that he has been deceived into investing in an online scam and cheated out of his entire invested amount, which led to him lodging a complaint on 14.06.2025.

4. During the course of investigation, the money trail led to the arrest of four accused persons, namely, Sunny Mishra, Kuldeep Kumar, Gaurav and Sumit Pradhan.

5. It is the case of the prosecution that during his interrogation, co-accused Gaurav disclosed that he was involved in arranging bank accounts and SIM cards for use in fraudulent transactions at the behest of co-accused Sumit Pradhan, the applicant, co-accused Yatin Nanda (the brother of the applicant) and some other persons.

6. During investigation, police has also examined the mobile phones and WhatsApp of the arrested accused persons. As per the prosecution, the WhatsApp chats between the applicant and co-accused Sumit clearly establishes that the applicant was directly involved in facilitating the mule bank accounts. Several voice chats have also been found which allegedly corroborate the same. It has also been found that the applicant was exchanging Aadhar Cards and Pan Cards of multiple individuals for fraudulent use.

7. The learned counsel for the applicant submits that the applicant is innocent and he has been implicated in the present case on the basis of the disclosure statement of co-accused Gaurav, which is inadmissible as evidence.

8. He submits that the applicant is not the beneficiary of the

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offence and none of the bank accounts used in the scam are linked to the applicant or traceable to him. He submits that the only allegation against the applicant is that he facilitated in opening of the mule bank accounts, however, none of the accounts are in the name of the applicant. He further submits that the mobile number attributed to the applicant.

9. He further submits that the applicant stands on a similar footing as his brother Yatin Nanda, who has been granted interim protection by this Court by order dated 11.08.2025, in Bail Application No. 3033/2025.

10. *Per contra*, the learned Additional Public Prosecutor for the State vehemently opposes the grant of any relief to the applicant on account of the gravity of the offence. She submits that non bailable warrants have been issued against the applicant as well. She submits that the accounts in which the money was transferred after receiving the same from the complainant have been found to be involved in multiple complaints registered n various parts of the country.

11. She further submits that the applicant was making use of alternative numbers and the number attributed to the applicant was being used by him. She submits that the applicant had sent certain signed cheque leaves on WhatsApp to the co-accused Sumit and on verification of the said accounts on NCRP Portal, it has been found that several complaints are registered in relation to the same as well.

12. She submits that the material found on investigation indicates that the accused persons have been using a number of accounts to facilitate cyber crimes across various jurisdictions

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and the custodial interrogation of the applicant is imperative to unearth the entire conspiracy.

13. I have heard the counsel and perused the record.

14. It is trite law that the power to grant a pre-arrest bail is extraordinary in nature and is to be exercised sparingly. Thus, pre-arrest bail cannot be granted in a routine manner. The Hon'ble Apex Court, in the case of ***State of A.P. v. Bimal Krishna Kundu* : (1997) 8 SCC 104**, held as under:

> "***8.*** *A three-Judge Bench of this Court has stated in Pokar Ram v. State of Rajasthan [(1985) 2 SCC 597 : 1985 SCC (Cri) 297 : AIR 1985 SC 969] : (SCC p. 600, para 5)*
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> > *"5. Relevant considerations governing the court's decision in granting anticipatory bail under Section 438 are materially different from those when an application for bail by a person who is arrested in the course of investigation as also by a person who is convicted and his appeal is pending before the higher court and bail is sought during the pendency of the appeal."*
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> ***9.*** *Similar observations have been made by us in a recent judgment in State v. Anil Sharma [(1997) 7 SCC 187 : 1997 SCC (Cri) 1039 : JT (1997) 7 SC 651] : (SCC pp. 189-90, para 8)*
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> > *"The consideration which should weigh with the Court while dealing with a request for anticipatory bail need not be the same as for an application to release on bail after arrest."*
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> xxx
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> ***12.*** *We are strongly of the opinion that this is not a case for exercising the discretion under Section 438 in favour of granting anticipatory bail to the respondents. It is disquieting that implications of arming the respondents, when they are pitted against this sort of allegations involving well-orchestrated conspiracy, with a pre-arrest bail order, though subject to some conditions, have not been taken into account by the learned Single Judge. We have absolutely no doubt that if the respondents are equipped with such an order before they are interrogated by the police it would greatly harm the investigation and would impede the prospects of unearthing all the ramifications involved in the conspiracy. Public interest also would suffer as a consequence. Having apprised*

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> *himself of the nature and seriousness of the criminal conspiracy and the adverse impact of it on "the career of millions of students", learned Single Judge should not have persuaded himself to exercise the discretion which Parliament had very thoughtfully conferred on the Sessions Judges and the High Courts through Section 438 of the Code, by favouring the respondents with such a pre-arrest bail order."*

15. It is the case of the prosecution that the applicant was actively involved in facilitating mule bank accounts for the purpose of cheating victims by way of an online investment scam. It is alleged that certain texts and voice chats have been found between the applicant and one of the co-accused persons which indicates his complicity in the alleged offence. Furthermore, it is alleged that several complaints are registered in relation to the accounts linked to the signed cheque leaves sent by the applicant to the co-accused Sumit.

16. Although it is disputed that the mobile number attributed to the applicant belongs to him, it is contested by the prosecution that the number was being used by the applicant at the relevant time. While the said aspect can only be ascertained after further investigation, at this juncture, the facts of the case do not indicate that the applicant is being falsely implicated in the present case and it does not appear that the investigation is being carried out with the intention to injure or humiliate the applicant.

17. Insofar as the argument in relation to none of the bank accounts used in the offence being in the applicant's name and him not being a beneficiary of the offence is concerned, from a perusal of the Status Report handed over in Court, it appears that the accused persons have employed a complex *modus operandi* to cheat the victims in the present case and the applicant was

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responsible for facilitating the mule accounts. It is alleged that the applicant was also sharing the Aadhar and Pan cards of multiple individuals with the co-accused for the aforesaid purpose.

18. At this stage, *prima facie*, the material presented by the prosecution indicates the complicity and active involvement of the applicant in the commission of the offence.

19. It is also important to note that multiple complaints have been received in relation to the accounts used in the present offence as well as the accounts linked to the cheque leaves allegedly shared by the applicant. The same suggests that the complainant is not the only person who has been cheated by the accused persons, including the applicant. On a number of occasions, this court has observed the proliferation of cyber frauds, wherein the accused exploit the vulnerability of gullible individuals by enticing them on false pretexts and dupe them out of their hard-earned money.

20. Moreover, it is important to note that the FIR was only registered on 14.06.2025 and the investigation is currently at a nascent stage. It is also pointed out that non bailable warrants have been issued against the applicant and he has deliberately avoided appearing before the Investigating Agency. In the present case, a network of mule accounts in the name of financially vulnerable individuals are alleged to have been used to complicate the money trail and to cheat multiple victims. Looking at the manner which is alleged by the State to have been employed by the accused persons, the task of the investigating agency to unearth the full extent of the crime appears to be

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arduous. In such a scenario, in the opinion of this Court, it cannot be expected that the investigating agency would be through with the investigation at such a nascent stage and some play in the joints has to be provided to the State. Granting pre-arrest bail to the applicant would undoubtedly impede further investigation. An order of bail cannot be granted in a routine manner so as to allow the applicant to use the same as a shield.

21. It is argued that the applicant is entitled to interim protection on the ground of parity with his brother Yatin Nanda. The role attributed to the applicant, as well as the material against him, is significantly more severe than his brother and the applicant cannot be granted any relief on parity.

22. In view of the aforesaid discussion, considering the nature of the offence as the possibility of multiple victims who have been cheated and stage of investigation, in the opinion of this Court, the applicant is not entitled for grant of pre-arrest bail.

23. The present application is accordingly dismissed. Pending applications also stand disposed of.

24. 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.

AMIT MAHAJAN, J

AUGUST 26, 2025

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