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

\+ BAIL APPLN. 3614/2025

SHASHI KANT SINGH .....Petitioner

Through: Mr. Jaspal Singh, Mr. Luvkush Kumar, Mr. Ashwani Kumar and Mr. Dhruv Jaiswal, Advocates

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Manoj Pant, APP for the State.

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

O R D E R

% 03.11.2025

CRL.M.A. 32253/2025 (exemption)

1. Allowed, subject to all just exceptions.

2. Application stands disposed of.

CRL.M.A. 32252/2025 (for modification)

3. By way of the present application, the applicant seeks restoration of the present bail application by recalling order dated 27.10.2025, passed by this Court.

4. For the reasons mentioned in the application, the same stands allowed. The present bail application stands restored to its original number.

5. Accordingly, the present application stands disposed of.

BAIL APPLN. 3614/2025

6. By way of the present application, the applicant seeks grant of

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anticipatory bail in FIR bearing no.279/2025, registered at Police Station Desh Bandhu Gupta Road, Delhi for the commission of offences punishable under Sections 318(2)/316(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereafter *'BNS'*).

7. Briefly stated, facts of the present case are that the present FIR had been registered on 30.07.2025 at Police Station Deshbandhu Gupta Road, Delhi, on the complaint of one Raman Arora, alleging cheating and misappropriation of ₹25,00,000/–. The complainant had stated that he had been running a warehouse business at Indore and had become acquainted with one Shubham Bhavsar, who had introduced him to a person named Jitendra. The said Jitendra had represented that he could arrange RTGS transfers at a premium of 10% to convert cash into “white” money. Tempted by this offer, the complainant along with Shubham had come to Delhi on 29.07.2025 carrying ₹25,00,000/- in cash. They had been directed by co-accused Jitendra to visit Shop No. A-45, Pal Mohan Plaza, Deshbandhu Gupta Road, Karol Bagh, Delhi, where they had met co-accused Vishal and co-accused Rakesh Kumar. The complainant had handed over the cash to Vishal for the purported RTGS transaction. Thereafter, it had been alleged that Vishal and Rakesh, in connivance with another person referred to as Bhalla Ji, had absconded with the complainant’s cash after replacing the bag containing money with another bag filled with bricks and stones. During investigation, the police had apprehended Narender @ Nitin Sharma and Kaushal Kumar Sharma from Shahibabad, U.P., and had recovered ₹11.90 lakh from their office at Laxmi Nagar, Delhi, and ₹40.61 lakh from a car parked near Shahibabad Railway Station. On the basis of their disclosure statements, co-accused Rakesh Kumar had been arrested, from whom ₹2.25

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lakh had been recovered. Rakesh Kumar had disclosed that he had received ₹20 lakh as his share from the cheated amount, out of which ₹17 lakh had been given to his sister Sindhu and brother-in-law , i.e. present applicant/ accused Shashi Kant Singh. Subsequently, co-accused Nishant Mohan Kumar had also been arrested, who had confessed that he had received ₹10 lakh as his share, out of which part had been deposited in his account, part given to a friend, and the remainder spent. During the course of investigation, it had further emerged that the total cheated amount was approximately ₹1 crore, of which partial recoveries had been effected. The present applicant Shashi Kant Singh, brother-in-law of accused Rakesh Kumar, had been named in the disclosure statement of co-accused Rakesh Kumar as a recipient of ₹15-17 lakh from the cheated amount and had not yet joined the investigation.

8. The learned counsel for the accused/applicant argues that no offence had been made out against the accused/applicant and that he has been falsely implicated in the present case merely on the basis of the disclosure statement of co-accused Rakesh Kumar. It is contended that apart from the said disclosure statement, there is no independent material on record to show any direct involvement of the accused/applicant in the alleged offence or to establish that any part of the cheated amount had ever come to his possession. It has further been argued that the alleged offence of cheating or criminal breach of trust is not made out against the accused/applicant, as the transaction in question itself pertained to an illegal object. Learned counsel has also submitted that the applicant is the behnoi (brother-in-law) of co-accused Rakesh Kumar and has no role in the alleged conspiracy. It is urged that the mere fact that co-accused Rakesh Kumar has mentioned the

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applicant's name in his disclosure statement, without any corroborative evidence, cannot form the sole basis for his arrest or prosecution. It is further submitted that the applicant has clean antecedents, is a permanent resident of Delhi, and has deep roots in society. He is ready and willing to join the investigation and cooperate fully with the Investigating Officer as and when directed. Learned counsel argues that custodial interrogation is not warranted in the present case, and no fruitful purpose would be served by sending the accused/applicant to judicial custody. Therefore, it is prayed that the accused/applicant be granted anticipatory bail.

9. The learned APP for the State has opposed the bail application, submitting that the allegations against the accused/applicant are grave and relate to a well-planned conspiracy involving cheating of about ₹1 crore. It is argued that during investigation, co-accused Rakesh Kumar had specifically named the present applicant Shashi Kant Singh as a recipient of ₹15–17 lakh out of the cheated amount, and that the applicant has not joined the investigation despite notice. It is further submitted that custodial interrogation of the applicant is required to trace the remaining cheated amount and to unearth the full extent of the conspiracy. The learned APP contends that the plea regarding the illegality of the transaction is a matter of trial and cannot exonerate the applicant at this stage. Considering the seriousness of the offence, magnitude of the cheated amount, and possibility of tampering with evidence, it is prayed that the application for anticipatory bail be rejected.

10. This Court has heard the arguments addressed by learned counsel for the applicant and learned APP for the State, and has perused the material on record.

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11. The allegations against the present applicant/accused Shashi Kant Singh are that he had received a sum of ₹15–17 lakh from his brother-in-law and co-accused Rakesh Kumar out of the cheated amount of ₹1 crore, which had been fraudulently obtained from the complainant. It is alleged that the said amount had been given to the applicant and his wife Sindhu as their share in the proceeds of crime. The applicant has been named in the disclosure statement of co-accused Rakesh Kumar and has not joined the investigation despite notice.

12. This Court notes that, as per the material placed on record, the complainant had allegedly parted with a sum of ₹17 lakhs, which came into the hands of the present applicant and his wife. Although the complainant is stated to have given the money for an unlawful or illegal purpose, such a circumstance does not, in law, entitle the receiver to misappropriate or unlawfully retain the said amount. The said money continued to remain the property of the complainant, and any dishonest retention thereof constitutes an offence under the penal law. The protection of criminal law extends even in situations where the transaction itself may be illegal, for no one can be permitted to unjustly enrich themselves at the expense of another by taking advantage of illegality.

13. This Court further notes that despite the issuance of notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), at the address available on record, the applicant was not found present and has remained untraceable. Such conduct indicates evasion of investigation and non-cooperation with the investigating agency.

14. It is also noted that the cheated amount of ₹17 lakhs, alleged to have been received by the applicant and his wife, is yet to be recovered. The

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investigating agency has specifically stated that custodial interrogation of the applicant may be necessary to ascertain the money trail, identify the mode and manner in which the funds were handled, and recover the proceeds of the offence. The need for custodial interrogation, therefore, cannot be substituted by mere written replies or oral cooperation while on anticipatory bail.

15. This Court notes that the allegations against the applicant involve serious financial impropriety and misappropriation, and the quantum of the cheated amount is substantial. The investigation is at a crucial stage, and grant of anticipatory bail at this juncture would seriously prejudice the process of investigation and frustrate the recovery efforts.

16. Thus, considering the overall facts and circumstances of the case, the nature and gravity of the allegations, the applicant's conduct in evading the process of law despite issuance of notice under Section 35(3) BNSS, and the necessity of custodial interrogation for a fair and effective investigation, this Court finds no ground to grant anticipatory bail to the applicant.

17. Accordingly, the present bail application is dismissed.

18. It is, however, clarified that nothing expressed hereinunder shall tantamount to an expression on the merits of the case.

19. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

NOVEMBER 03, 2025/zp

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