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

\+ BAIL APPLN. 3817/2025

KUNAL AILAWADI .....Petitioner

Through: Mr. Murari Tiwari, Mr. Rahul Kumar and Ms. Payal Dhupar, Advocates.

versus

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

Through: Mr. Amit Ahlawat, APP for State.

**CORAM:**
**HON'BLE MR. JUSTICE SANJEEV NARULA**

**<u>O R D E R</u>**

**% 04.11.2025**

1. The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023[1] seeks regular bail in FIR No. 484/2024, registered at P.S. Mukherjee Nagar for the offence under Section 420 of the Indian Penal Code, 1860.[2]

2. The case of the Prosecution is as follows:

2.1. The subject FIR was registered on the complaint of one Tarlochan Singh, alleging that he had been availing the services of the Applicant, Kunal Ailawadi, for booking air tickets and holiday packages for the past ten years. In March 2023, the Complainant, along with his friend, intended to travel to Canada and approached the Applicant for booking return air tickets. The Applicant demanded a sum of ₹3,20,000/-, which was transferred to him *via* NEFT on 24th March, 2023. The Applicant thereafter sent the air

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[1] "BNSS"

tickets. However, upon verification through the airline portal, the Complainant discovered that the tickets were not confirmed due to non-payment of fare charges.

2.2. Similarly, tickets booked by the Complainant's son and daughter-in-law for travel to Dubai, for which ₹2,50,000/- had been paid to the Applicant, were also found to be non-existent on the airline portal. On the basis of this complaint, the subject FIR was registered and investigation commenced.

2.3. During investigation, it was revealed that the Applicant had cheated three other individuals in a similar manner, to the tune of ₹7,15,000/-, ₹55,000/-, ₹42,000/-, and ₹3,50,000/- respectively. The total cheating amount allegedly committed by the Applicant was ₹20,19,230/-.

2.4. It was further revealed that the Applicant was already in judicial custody in another case, *i.e.*, FIR No. 135/2024, under Sections 420/406 IPC, registered at P.S. Civil Lines, Delhi. After obtaining the necessary permissions, the Applicant was arrested in the present case on 3rd July, 2024. During investigation, the police seized the Applicant's PAN card, debit cards and mobile phone.

2.5. In his disclosure statement, the Applicant stated that he has been engaged in the business of foreign airline ticketing and hotel bookings since the year 2004. He further disclosed that he has opened an office under the name *Insta Tourz* at his residential address and also maintains a bank account with Axis Bank. He admitted that, while conducting his business, he would temporarily hold the PNRs of airline tickets and send them to the persons from whom he had received money for confirmed tickets. However,

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[2] "IPC"

he did not finalize those bookings and utilized the money received from the victims for his personal use.

2.6 During investigation, notices under Section 91 Cr.P.C. were issued to Air India and Lufthansa Airlines, IGI Airport, Delhi. Both airlines confirmed that the tickets in question were fake.

3. Counsel for the Applicant contends that the investigation in the present case is complete, and the Applicant has been in judicial custody for more than one year and four months. It is submitted that his continued incarceration would serve no purpose and would amount to punitive detention. It is further submitted that the Applicant has been granted bail in the other cases against him, and is a permanent resident of Delhi. The Applicant undertakes to comply with any conditions that may be imposed by this Court.

4. On the other hand, Mr. Amit Ahlawat, APP for the State, opposes the application. He submits that the Applicant is a habitual offender, and is involved in multiple similar cases. There is a strong apprehension that, if released on bail, he may abscond or tamper with the evidence. It is further stated that the tickets issued by the Applicant were verified and found to be fake. Considering the gravity of the offence and the magnitude of cheating, it is submitted that the Applicant does not deserve the concession of bail.

5. The Court has considered the aforenoted contentions. As per the nominal roll, the Applicant was arrested on 3rd July, 2024, and has been in custody for over 1 year, 3 months and 24 days. The investigation in the present case stands complete, and the Applicant's continued detention would serve no fruitful purpose and amount to punitive incarceration.

6. It is well settled that at the stage of considering bail, the Court is not

required to weigh evidence with the rigour reserved for a trial which would make the bail proceedings akin to a mini-trial[3]. Therefore, the question of the Applicant's culpability shall be adjudicated upon appreciation of evidence during the trial, and cannot, by itself, constitute a ground for denial of bail.

7. As regards the antecedents pointed out by the State, it is well-settled that while involvement in other criminal cases is a relevant consideration, it cannot form the sole basis for denial of bail.[4] In the present case, it is not disputed that the Applicant has already been granted bail in the other two cases registered against him. Further, the apprehension expressed by the State regarding the possibility of the Applicant's abscondence or re-offending can be effectively addressed by imposing stringent conditions while granting bail.

8. It is well established through catena of judgments by the Supreme Court that the object of granting bail is neither punitive nor preventative. The primary aim sought to be achieved by bail is to secure the attendance of the accused person at the trial.[5] The Applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of ₹25,000/- with two sureties of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;

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[3] See also: ***Brijmani Devi v. Pappu Kumar& Anr.,*** (2022) 4 SCC 497 and ***Mahipal v. Rajesh Kumar @ Polia,*** 2020 (2) SCC 118.
[4] Prabhakar Tiwari v. State of Uttar Pradesh, AIR Online 2020 SC 96.
[5] See also: ***Sanjay Chandra v. CBI***, (2012) 1 SCC 40; ***Satender Kumar Antil v. Central Bureau of Investigation***, (2022) 10 SCC 51.

b. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;

c. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;

d. The Applicant shall appear before the Trial Court as and when directed;

e. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;

f. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

g. The Applicant shall report to the concerned PS on first Friday of every three months;

h. The Applicant shall deposit a passport with the concerned Trial Court, immediately upon his release.

9. In the event of there being any FIR/DD entry/complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

10. 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.

11. The bail application is allowed in the afore-mentioned terms.

12. Copy of the order be sent to the concerned Jail Superintended for necessary information and compliance.

**SANJEEV NARULA, J**

**NOVEMBER 4, 2025**
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