$~51

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

\+ BAIL APPLN. 4560/2025

SHIVAM KUMAR .....Petitioner

Through: Mr. Suraj Prakash Sharma, Advocate

versus

THE STATE NCT OF DELHI .....Respondent

Through: Mr. Manoj Pant, APP for the State
Mr. Manoj Kumar Sharma, Advocate for complainant

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

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

% 28.11.2025

<u>CRL.M.A. 35222/2025 (exemption)</u>

1. Allowed, subject to all just exceptions.

2. Application stands disposed of.

<u>BAIL APPLN. 4560/2025</u>

3. By way of the present application, the applicant seeks grant of anticipatory bail in case arising out of FIR bearing no. 597/2021, registered at Police Station Krishna Nagar, Delhi for the commission of offence punishable under Sections 420/120B of the Indian Penal Code, 1860 (hereafter '*IPC*') and Section 66D of the Information Technology Act, 2000.

4. Issue notice. The learned APP accepts notice on behalf of the State.

5. Briefly stated, the facts of the case are that a complaint was lodged by one Sh. Manoj Monga, alleging that on 17-18.12.2020, he had received a

call from one Abhijeet Shrivastav, who had introduced himself as an officer of the Delhi Excise Department. Abhijeet had assured the complainant that he could arrange a liquor licence for him, provided the complainant filled certain forms and made an advance payment. Abhijeet had also introduced another person, Ashok Bansal, as his senior official who would assist in completing the formalities for obtaining the licence. Relying on these representations, the complainant had transferred a total amount of Rs. 25,67,600/- through online transactions, on different dates, into SBI Account No. 20202091445. Abhijeet and Ashok had kept sending receipts to the complainant's email ID, due to which he had believed that his licence would be issued shortly. He was assured that the licence would be provided within 15 days. However, even after the expiry of 15 days, no licence was issued, and when the complainant confronted them, they demanded an additional Rs. 10 lakh. The complainant refused to pay, and from 07.01.2021 onwards, both Abhijeet and Ashok had switched off their mobile phones. The complainant further alleges that thereafter, he had received calls from Satyan Banerji, Rahi Abrar, and Vikas Shrivastav, who had informed him that he had been cheated by Abhijeet and Ashok and had offered to help him recover his money, provided he paid them Rs. 3,82,000/-. The complainant however refused to pay any such money. It was later revealed that the receipts and documents earlier provided by Abhijeet and Ashok to gain his trust were forged and fabricated. The complaint was thereafter registered on 28.09.2021.

6. *During investigation*, it was found that the entire amount of Rs. 25,67,600/- had first been transferred into the bank account of one Amit Bhunia, who had subsequently transferred it into the bank account of one

Chandan Kumar. From there, the money had been transferred into the bank accounts of the present applicant Shivam, and one Ragini.

7. The learned counsel appearing for the applicant argues that the applicant has been falsely implicated and has no direct connection with any of the accused persons named in the FIR. It is argued that the applicant has no professional or personal association with them, and nothing on record remotely suggests his involvement in the alleged offence. It is further submitted that, as per the prosecution story, the entire amount of Rs. 25,67,600/- had initially been transferred into the account of one Amit Bhunia, yet the investigating agency has failed to interrogate him. The learned counsel also points out that while the incident allegedly took place in January 2021, the FIR was lodged only on 28.09.2021, after an unexplained delay of nearly ten months. It is further argued that no notice was ever served upon the applicant during the past four years of investigation, and it is an admitted position that the investigating officer (I.O.) first issued a notice to the applicant only in October, 2025. On these grounds, it is prayed that the applicant be granted anticipatory bail.

8. The learned APP for the State, duly assisted by the learned counsel for the complainant, opposes the bail application and argues that the custodial interrogation of the applicant is essential to unearth the entire conspiracy, particularly when the investigation has revealed that the applicant is one of the beneficiaries of the cheated amount. It is contended that none of the co-accused have been apprehended so far, as they are absconding, and releasing the applicant at this stage would jeopardise the ongoing investigation. It is also emphasised that the complainant has been

cheated of a substantial amount of Rs. 25,67,600/- on the false assurance of obtaining an excise licence, and the offence involves a planned and organised act of cheating. Therefore, it is prayed that the present bail application be dismissed.

9. This Court has **heard** arguments addressed on behalf of the applicant as well as the State and the complainant, and has perused the material available on record.

10. In the present case, the allegations in brief are that the complainant had been induced to transfer an amount of Rs. 25,67,600/- on the false assurance that he would be provided a liquor licence. The complainant was made to believe that he was dealing with officials of the Excise Department, and forged and fabricated receipts were sent to him to gain his trust. After the money was taken, the accused persons had switched off their mobile phones and had become untraceable.

11. During investigation, the money trail has been traced and it has been found that the entire cheated amount of Rs. 25,67,600/- was first transferred into the bank account of co-accused Amit Bhunia, who had further transferred it to the account of one Chandan Kumar. From there, the funds had been transferred into the bank accounts of the present applicant Shivam, and one Ragini. As noted in the order dated 04.11.2025 by the learned Sessions Court, out of the cheated amount, a sum of Rs. 9,00,000/- had been eventually transferred in the bank account of the present applicant.

12. This Court further notes that during investigation, a notice was issued to the Manager of ICICI Bank regarding Account No. 251801001101, into which the funds were transferred from Chandan Kumar’s account. As per

the reply received from the Bank, the said account is registered in the name of the present applicant Shivam. The Bank had also provided the customer application form and Aadhaar card details, both of which pertain to the applicant herein. The investigation has also revealed at this stage that the said bank account had been opened only a few days before the transfer of the cheated amount, and the funds were withdrawn soon after being credited into the bank account.

13. In this Court's opinion, the allegations against the applicant are serious – he is alleged to be a beneficiary of the cheated amount and a part of the larger conspiracy to cheat innocent persons on the pretext of providing excise licences. The I.O. has further informed this Court that none of the co-accused persons have been apprehended till date. Proceedings under Section 82 of the Cr.P.C. have already been initiated against co-accused Amit Bhunia, and co-accused Chandan Kumar continues to abscond. In these circumstances, the custodial interrogation of the applicant is necessary for unearthing the full extent of the conspiracy, identifying the roles of other accused persons, and securing their arrest.

14. In view thereof, considering the nature of allegations, the material collected during investigation so far, including the money trail, the ownership documents of the concerned bank account, and the fact that co-accused persons are absconding, this Court does not find any ground to grant anticipatory bail to the applicant.

15. Accordingly, the bail application is dismissed.

16. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

17. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

NOVEMBER 28, 2025/ns