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

+ **CRL.REV.P. 547/2025, CRL.M.A. 38456-38457/2025**

SANTOSH SONI

.....Petitioner

Through: Mr. Rajeev Shukla, Mr. Shiv Lal
Kannaujiya, Mr. Anand Soni and
Mr. Manish Kumar, Advocates with
Petitioner.

versus

THE STATE GOVT NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with SI Rahul, PS-EOW.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

23.12.2025

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1. The Petitioner is implicated in FIR No. 19/2023 dated 2nd March, 2023, registered at P.S. Economic Offences Wing, under Sections 420/409/477A/380/201/120B of the Indian Penal Code, 1860¹.

2. The Petitioner was granted bail by the Special Judge (PC Act)(ACB)-02, Rouse Avenue District Courts, New Delhi, *vide* order dated 26th November, 2025. While granting bail, the Court examined various factors supporting the Petitioner's entitlement to bail, as recorded in paragraph 18 of the impugned order. Simultaneously, the Court directed the Petitioner to deposit INR 46 lakhs within 15 days of his release, INR 50 lakhs on or before 20th January, 2026, and a further INR 50 lakhs on or before 20th

¹ "IPC"



February, 2026, in the form of Fixed Deposit Receipts ('FDRs'). The said direction to deposit amounts, therefore, constitutes an essential condition of bail.

3. Counsel for the Petitioner submits that the bail order was made available to him at around 4:00 PM on the date it was passed. He contends that, at that time, he was not aware whether the Petitioner would be able to comply with the condition imposed by the Court. Nonetheless, bail bonds were furnished, resulting in the Petitioner's release from custody. Subsequently, an application seeking deletion of the said condition was filed before the same Court, which was later withdrawn.

4. The Petitioner, left with no alternative, has filed the present revision petition under Section 438 read with Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023², seeking deletion of the said condition. It is argued that the Petitioner neither volunteered to make any deposit nor furnished any undertaking before the Court agreeing to such deposit. Nonetheless, counsel for the Petitioner submits that the Petitioner is agreeable to the matter being remanded, provided he is not directed to surrender till such time the bail application is reheard and decided.

5. Mr. Amit Ahlawat, APP for State, on instructions from Investigating Officer, submits that the other co-accused, who have been granted bail, are subject to similar conditions and have already deposited the requisite amounts. It is further contended that the Petitioner had volunteered to make such a deposit and, having secured bail, cannot now be permitted to resile from the undertaking allegedly given. In response, counsel for the Petitioner submits that the Petitioner is not the main accused and that no such



undertaking was ever given.

6. This Court has perused the impugned bail order. While the order reflects consideration of several aspects relevant to the grant of bail, as noted in paragraph 18, it also imposes a substantial condition requiring deposits. In this context, the Supreme Court, in a recent decision in ***Gajanan Dattatray Gore v. The State of Maharashtra & Anr.***³, has examined the legality of bail orders based on undertakings by accused persons to make monetary deposits. The Supreme Court has categorically held that Trial Courts and High Courts should not grant bail on the basis of any undertaking or assurance by an accused that he is willing to make such deposits, and that bail applications must be decided strictly on their merits, without reliance on such statements.

7. In the present case, a perusal of the impugned order does not reveal any undertaking given by the Petitioner. The condition of deposit appears to have been imposed as a direction of the Court. Whether any such undertaking was orally given, as contended by the State, is an issue that would require reconsideration. Notably, bail was not granted solely on the basis of this condition, as the Court also relied upon parity with co-accused, the documentary nature of the investigation, and the settled principle that *“bail is the rule and jail is the exception”*.

8. Nonetheless, the condition imposed requires the deposit of a substantial amount aggregating to INR 1.46 crores within strict timelines. Such a condition, in the opinion of this Court, assumes the character of a fundamental bail condition and could have materially influenced the grant of

² “BNSS”

³ 2025 SCC OnLine SC 1571.



bail. Consequently, the condition becomes directly linked to the merits of the bail determination. In view of the law laid down by the Supreme Court in *Gajanan Dattatray Gore*, the impugned order cannot be sustained and is accordingly set aside. The matter is remanded to the Special Court for reconsideration of the Petitioner's bail application.

9. However, considering that the Trial Court order is supplemented by other reasons for grant of bail (paragraph No. 18 of impugned order), it is directed that the Petitioner shall not be required to surrender until his bail application is reheard and decided.

10. In view of the above, the Trial Court is requested to pass a fresh order on the Petitioner's bail application preferably within a period of one month from today.

11. The Court has not examined the merits of the case. All rights and contentions of the parties are left open, including the State's objections regarding application of the principles of parity and the fact that the Petitioner was declared a proclaimed offender prior to his arrest, which shall be reconsidered by the Trial Court.

12. Accordingly, the petition is disposed of along with pending applications.

13. Copy of the order be sent to the concerned Trial Court for necessary information and compliance.

SANJEEV NARULA, J

DECEMBER 23, 2025

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