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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: 01.04.2026*

+ **BAIL APPLN. 259/2025 & CRL.M.A. 1811/2025**

ATUL TIWARI

.....Petitioner

Through: Mr. Anubhav Lamba, proxy Counsel.

versus

STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with SI Raj Kumar, PS Cyber Crime.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks anticipatory bail in case FIR No. 46/2024 of PS Cyber Police Station (South) for offence under Section 420 IPC.

1.1 This bail application came up for the first hearing on 22.01.2025 before the predecessor bench and thereafter continued getting adjourned before different benches. Along with 179 such old pending bail applications, this application also was transferred to this bench.

1.2 Today is the first hearing before me.

2. Initially, at the time of starting the Court, Mr. Anubhav Lamba, proxy counsel for the accused/applicant requested for adjournment on the ground

BAIL APPLN. 259/2025

Page 1 of 4 pages

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that the main counsel Mr. Pulkit Aggarwal is ill. The adjournment request was declined on account of old pendency and it was made clear that the matter would be taken up at its turn.

3. Now, once again learned counsel for accused/applicant seeks adjournment on the same ground. But Mr. Pulkit Aggarwal, Advocate, is not the counsel in this case. The *vakalatnama* bears names of Mr. Utkarsh Singh and Mr. T.P. Singh, Advocates, neither of whom have appeared. It seems that having obtained interim protection from arrest, the accused/applicant wants to drag the proceedings. Therefore the adjournment request is declined and learned counsel is requested to address arguments. But learned counsel for accused/applicant submits that he is not aware about the matter. Such conduct on the part of the counsel is not acceptable. It is on account of such conducts that such bail applications remain pending for such long time. There is not even a whiff of explanation as to why neither of the counsel who filed this anticipatory bail application has appeared. And adjournment is being sought on behalf of an advocate, who is not counsel in this case.

4. Under these circumstances, I have heard learned APP for State assisted by IO/SI Raj Kumar.

5. Broadly speaking, the prosecution case against the accused/applicant is that he is actively involved in a cyber fraud in the present case. It is alleged that a Whatsapp group was created by the co-accused and certain individuals were invited to join the same with the offer of payment of remuneration of Rs. 50/- per review. The complainant *de facto* joined the

BAIL APPLN. 259/2025

Page 2 of 4 pages

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group and was initially paid a sum of Rs. 2000/- for the assigned task. Thereafter the complainant *de facto* was induced to join another group on the Telegram App where he was made to deposit Rs.3,51,470/- in the name of online prepaid tasks by some unknown telegram users. In the course of investigation, four bank accounts were traced out as beneficiaries and those accounts were in the name of a proprietorship concern of co-accused Golu. In the course of further investigation, Golu revealed that he had opened the bank accounts with Punjab National Bank and State Bank of India and had handed over complete bank account kits to the present accused/applicant in lieu of cash Rs.30,000/- per account. Further, according to investigation, transactions of money more than Rs.88,00,000/- in PNB and more than Rs.40,00,000/- in SBI accounts took place within a period of day or two.

7. Learned APP for State submits that it is not a case of mere disclosure statement of Golu against the present accused/applicant. There is also an incriminating evidence against the accused/applicant in the form of receipt of money from Golu as well as an unusual number of 767 phone calls between the accused/applicant and Golu during a period of almost four months. In addition, learned APP for State also submits that there are two more cases of similar nature against the accused/applicant and that there are 46 cyber complaints pertaining to the PNB account and 96 such complaints against SBI account.

8. Keeping in mind the nature of offence alleged against the accused/applicant coupled with pendency of investigation and adverse antecedents, request of the IO for custodial interrogation of the



2026:DHC:2715



accused/applicant in order to unearth the expanse of the said cyber frauds does not appear unjustified.

9. In view of the aforesaid, I do not find it a fit case to grant anticipatory bail. Therefore, the anticipatory bail application is dismissed.

10. The accused/applicant is directed to surrender before the IO by 05:00pm tomorrow (02.04.2026).

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**GIRISH KATHPALIA
(JUDGE)**

APRIL 1, 2026/as