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

\+ BAIL APPLN. 1545/2026

SANJAY MISHRA .....Petitioner

Through: Mr. Rahul Shyam Bhandari, Ms. G Priyadharshni and Mr. Satyam Pathak, Advs.

versus

STATE OF NCT DELHI AND ANR. .....Respondents

Through: Mr.Manoj Pant, APP for the State with Mr. Divyang Kishwan, Adv. along with SI Deependra.
Mr. Hariom, Mr. Ashu Gupta and Ms. Preeti, Advs. for complainant.

\+ BAIL APPLN. 1558/2026

PRITI MISHRA .....Petitioner

Through: Mr. Rahul Shyam Bhandari, Ms. G Priyadharshni and Mr. Satyam Pathak, Advs.

versus

THE STATE NCT OF DELHI .....Respondent

Through: Mr.Manoj Pant, APP for the State with Mr. Divyang Kishwan, Adv. along with SI Deependra.
Mr. Hariom, Mr. Ashu Gupta and Ms. Preeti, Advs. for complainant.

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

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

% 24.04.2026

CRL.M.A. 12304/2026 (exemption) in BAIL APPLN. 1545/2026
CRL.M.A. 12399/2026 (exemption) in BAIL APPLN. 1558/2026

1. Allowed, subject to all just exceptions.

2. Applications stand disposed of.

BAIL APPLN. 1545/2026 & BAIL APPLN. 1558/2026

3. By way of the present applications, the applicants seek grant of anticipatory bail in case arising out of FIR bearing No. 451/2025, registered at Police Station Punjabi Bagh, Delhi, for the commission of offences punishable under Sections 318(4)/316(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereafter '*BNS*').

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

5. Brief facts of the present case are that the present matter arises out of a complaint lodged by the complainant, who is a Designated Partner of Akshaj Tools LLP and is engaged in the business of manufacturing and trading of abrasive and power tools, alleging that in March 2024 he came into contact with applicant Sanjay Mishra, who represented himself as a Director of a company dealing in paints and tools and projected himself as a large distributor, thereby inducing the complainant to enter into business transactions; it is stated that subsequent meetings held in May and June 2024 were followed by categorical assurances from applicant Sanjay Mishra that payment for the goods would be made within 30 days of delivery, failing which the goods would be returned, and relying upon such representations, the complainant supplied goods between August 2024 and September 2024 amounting to approximately ₹1,00,12,099.94/-. It is alleged that applicant Priti Mishra, being associated with the affairs of the said company, actively participated in the transaction by communicating with the complainant,

seeking further supply of goods, and representing herself as responsible for procurement and business dealings of the company. However, despite receipt of the said goods, the applicants allegedly failed to discharge their liability, save and except a token payment of ₹1,00,000/-, and thereafter deliberately evaded payment on false and untenable pretexts, ignored repeated follow-ups, and neither cleared the outstanding dues nor returned the goods. The complainant further alleges that upon demanding payment, he received threats of abduction and grievous harm from persons connected with the applicants, thereby giving rise to a reasonable apprehension regarding his life and safety. Pursuant to this, the present FIR was registered against the applicants.

6. The learned counsel for the applicants argues that the present FIR is a manifest abuse of the process of law, inasmuch as it seeks to impart a criminal colour to a purely commercial dispute arising out of business transactions. It is contended that the allegations against the applicants pertain to non-payment for the supply of goods governed by contractual terms, which, at best, give rise to a civil remedy for recovery and do not attract criminal liability, particularly when multiple transactions have taken place, and payments have admittedly been made by the applicants to the complainant. It is further submitted that the case is founded entirely on documentary evidence, including invoices, bank transactions, and transport records, all of which are already in the possession of the Investigating Agency; hence, custodial interrogation of the applicants is wholly unwarranted, especially when they undertake to fully cooperate with the investigation. It is also submitted that the applicants satisfy all the conditions for the grant of bail, including their willingness to cooperate with the

investigation, absence of any flight risk, and an undertaking not to tamper with evidence or influence witnesses. Thus, it is prayed that the applicants be enlarged on anticipatory bail.

7. *Per contra,* learned APP for the State, along with learned counsel for the complainant, has strongly opposed the present application and submitted that the applicant/accused has been involved in multiple prior cases, reflecting adverse antecedents. The learned APP submits that, as per the status report filed by the IO, the applicant has failed to cooperate with the investigation, despite issuance of bailable warrants, and has also refused to accept notice under Section 35(3) BNSS. It is further contended that the applicant Sanjay Mishra operates under multiple identities, using different names along with separate GST registrations, passports, and Aadhaar credentials, thereby revealing a deliberate and systematic modus operandi to commit fraud. It is submitted that the applicants Sanjay Mishra and Priti Mishra are habitual offenders who float shell entities to deceive unsuspecting persons. Further, it is argued that bailable warrants has been issued against the applicant Sanjay Mishra. Accordingly, it is prayed that the present application be dismissed.

8. This Court has **heard** arguments addressed by the learned counsel for the applicants and the learned APP for the state and has perused the material on record.

9. In a nutshell, the allegations against applicant Sanjay Mishra are that he had contacted the complainant, had represented himself as a Director of Renozate Paints & Chemicals (OPC) Pvt. Ltd., and induced the complainant to supply goods on the assurance of timely payment, but subsequently had failed to honour the said commitments. It is further alleged that applicant

Priti Mishra, wife of applicant Sanjay Mishra, had actively participated in the transactions by communicating with the complainant, seeking further supply of goods, and representing herself as being responsible for the affairs of the company, and that both applicants had acted in concert, with a common intention to induce the complainant to make payment on the false assurance as mentioned above.

10. ***As regards applicant Sanjay Mishra***, this Court notes that, as per the affidavit filed by him, he is involved in four prior criminal cases, out of which three pertain to proceedings under Section 138 of the Negotiable Instruments Act; one of these stands settled between the parties, while in the remaining two cases he has been convicted. Additionally, a case under Sections 420, 406 and 506 of the IPC is presently pending trial against him. Though the learned counsel for the complainant has argued that 14 cases of similar nature are pending against the accused, he could not mention the details thereof.

11. It is further noted that the applicant, Sanjay Mishra, is alleged to have operated under multiple identities, using different names along with separate GST registrations numbers, forged passports, and multiple forged Aadhaar cards. Further, it is at this stage also apparent from the record that when he had met the complainant for the first time, he had also given to him his visiting card which mentioned a fake address, which does not exist. Thus, at this stage it is prima facie clear that he is intended to cheat the complainant from the very beginning. To reiterate, he has multiple cases of similar nature pending against him.

12. **As regards the applicant Priti Mishra,** this Court notes that the applicant Priti Mishra is the Director of the company Renozate Paints &

Chemicals (OPC) Pvt. Ltd., which is a One Person Company. It is further observed that she had communicated with the complainant seeking further supply of goods, while representing herself as being responsible for the company's operations. The Court is also informed that the applicant Priti Mishra is also involved in two (02) criminal cases of similar nature which are pending in the State of Jharkhand, which is not disputed by the learned APP for the State, at this stage or by the learned counsel for the accused.

13. Further, as per the status report, the applicants were served with notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereafter '*BNSS*'). However, they have refused to accept the same and have not joined the investigation. Further, it is also noted that proceedings under Section 84 of BNSS, 2023 have concluded, however, a formal order declaring the petitioners as '*proclaimed persons*' is yet to be passed by the learned Trial Court.

14. This Court is further of the opinion that custodial interrogation of the applicants is required, as the goods allegedly supplied to them as well as the amount allegedly misappropriated remains unrecovered.

15. In view of the foregoing discussion, this Court is not inclined to grant anticipatory bail to the applicants.

16. The bail applications are accordingly dismissed.

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

18. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

APRIL 24, 2026/A/*RB*