$~48

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

\# **CNR No. DLHC010453362026**

\+ BAIL APPLN. 3990/2026 & CRL.M.As. 29550/2026, 29597/2026

NUR MAHAMMAD .....Petitioner

Through: Mr. Sudhir, Mr. Jitender, Ms. Jyoti and Ms. Sabina, Advocates

versus

CENTRAL BUREAU OF INVESTIGATION .....Respondent

Through: Ms. Rajni Gupta, SPP for CBI with Mr. Shivender Gupta, Mr. Siddharth Shekhar, Advocates along with Mr. Tittimakaran Reddy, SI, CBI

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

O R D E R

% 09.10.2026

BAIL APPLN. 3990/2026

1. The present application has been filed seeking anticipatory bail in RC No. 220-2025-E-0009 dated 08.05.2025, P.S. EO-II, CBI, New Delhi, under Section 120B read with Section 420 of the Indian Penal Code, 1860, read with Section 318 of the Bharatiya Nyaya Sanhita, 2023, and Sections 66C and 66D of the Information Technology Act, 2000.

2. This Court, *vide* order dated 22.09.2026, directed the applicant to join the investigation on 28.09.2026 and granted interim protection against arrest.

3. Learned counsel for the applicant states that the applicant duly appeared before the Investigating Officer ('I.O.') on 28.09.2026 and 29.09.2026 to have his statement recorded.

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 13/10/2026 at 09:56:44

4. Ms. Gupta, learned SPP appearing on behalf of the respondent, has handed over a status report dated 09.10.2026. The said status report is directed to be taken on record.

4.1. She states that though the applicant appeared before the I.O., he has not provided the information sought from him. She states that the present case pertains to cyber fraud affecting mass victims and the role of the misuse of SIM cards used in the fraud is a subject matter of this investigation. She states that the CBI has identified a network where co-accused Ubaid Ullah has sold a large number of SIM cards to this applicant. She states that the SIM cards sold to the applicant have been used for cyber-criminal activities. She states that the applicant was required to disclose the names of the persons to whom he has sold the SIM cards.

4.2. She states that the applicant admits having dealt with approximately 1250 SIM cards, which were to one Asif and his relative Yusuf. She states, however, the applicant has not provided details of the persons to whom the SIM cards were sold due to the alleged unavailability of his WhatsApp chats with the said individuals.

4.3. She states that the applicant has tampered with evidence. She states that the applicant appeared before the I.O. with a different handset and with a new SIM card purchased recently on 20.09.2026. She states that, as per the applicant, his old handset on which he communicated with third parties for sale of the 1250 SIM cards got damaged and the old handset was sold by him in the market. She states that a perusal of the Customer Application Form (CAF) dated 20.09.2026 submitted by the applicant for obtaining the

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 13/10/2026 at 09:56:44

new mobile number[1] shows that misleading information with respect to the email address[2] was provided for issuance of the said new SIM.

4.4. She relies upon the observations made by the Supreme Court at paragraph no. 6(vii) in its order dated 01.12.2025 in **Re: Victims of Digital Arrest related to Forged Documents** to contend that the misuse of SIM cards has been recognized as a significant aspect of the fraud.

4.5. She further submits that, as per the disclosure statement of accused Ubaid Ullah, he collected the SIMs from accused Ashim Purkayastha for and on behalf of the applicant herein and transacted on the instructions of the applicant herein.

5. In reply, learned counsel for the applicant states that it is correct that the original handset which had the WhatsApp used for selling the SIM cards has been damaged. He states however, applicant has shared all information available with him.

6. This Court has heard the learned counsel for the parties and perused the record.

6.1. As per the case set out by the respondent in its reply[3] filed before the learned Sessions Judge, the case alleged in this FIR is that the named accused, who are Point of Sale ('PoS') agents of telecom service providers, conspired with cybercriminals, fraudsters, unknown telecom executives and other persons to facilitate the issuance of SIM cards for cybercrimes, which

[1] 6001237094
[2] GGGGG@GMAIL.COM
[3] At Annexure A-3

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 13/10/2026 at 09:56:44

include digital arrest frauds, impersonation, fraudulent advertisements, investment scams, UPI-related fraud, and other illegal activities. It further alleged that most of the SIM cards failed subsequent re-verification/e-KYC initiated by the Department of Telecommunications.

6.2. It is stated that based on inputs, searches were conducted at the premises of the PoS agents across multiple locations covering 8 states[4] in the country. It is submitted that the searches led to the seizure of incriminating documents and the identification of individuals, including middlemen involved in the distribution of the SIM cards used for the cyber-crimes.

6.3. It is stated that accused Ashim Purkayastha, a PoS agent, in conspiracy with co-accused Debashish Doley, who is working as a territory sales manager of Airtel at Silchar, Assam and co-accused Mahim Udin Barbhuiya, who is working as a distributor, conspired for issuance of SIM cards by misusing the procedure prescribed by the telecom operator.

6.4. It is stated that accused Ashim Purkayastha aggregated a large number of SIM cards through co-accused Ubaid Ullah, who in turn provided them to the applicant herein. The applicant has further sold the SIM cards to the cyber criminals.

6.5. It is stated that a charge-sheet against accused persons Ashim Purkayastha, Mahim Uddin Barbhuiya, Debashish Doley, Dipak Debnath, Mahim Uddin Barbhuiya and Ubaid Ullah has been filed on 24.10.2025. It is stated that a supplementary charge-sheet has also been filed on 16.06.2026.

[4] Assam, West Bengal, Bihar, Uttar Pradesh, Maharashtra, Telangana, Karnataka and Tamil Nadu.

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 13/10/2026 at 09:56:44

6.6. It is stated that though notice under Section 179 Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') was issued to this applicant on 12.03.2026 and under Section 35(3) BNSS on 10.07.2026, he did not comply with the notices and has therefore not cooperated with the investigation. It is stated that the precise role of the applicant is under investigation and his role is to be identified.

6.7. It is stated that in the instant case there are 2200 complaints of fraud linked to 1100 mobile numbers issued fraudulently.

7. In its reply dated 09.10.2026, I.O. has, at paragraph no. 5, set out in detail the flow of payment of money from accused Ubaid Ullah to accused Ashim Purkayastha (PoS) and from accused Ashim (PoS) to accused Mahim Udin Barbhuiya (the distributor who wrongfully issued the SIM cards). It is stated that the applicant transferred an amount of Rs. 6.3 lakhs to accused Ubaid Ulalh for receiving the SIM cards. It is stated that the applicant has provided the SIM cards issued by accused Mahim Udin Barbhuiya to criminals who have used them for fraudulent transactions. It is stated that, thus, the applicant is required to provide the names of the individuals to whom the SIM cards have been sold.

7.1. It is stated, however, that the applicant has, during investigation, not provided the details of the person to whom he provided or sold the SIM cards used for the fraudulent activities. It is stated that the applicant has also stated that he has disposed of the handset used by him for communicating with the persons to whom he sold the SIM cards through WhatsApp.

8. In the statement of applicant recorded before the I.O., it is submitted

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 13/10/2026 at 09:56:44

that the mobile number[5] X was used by him in the past 12 months; however, prior to coming to the CBI office on 28.09.2026, few days earlier he purchased a new handset and a new mobile number[6] Y. It is stated by him that he has allegedly given his old number to his father and deleted the data from the old phone (including WhatsApp, images, call records, etc.).

Learned counsel for the applicant does not dispute the aforesaid statement.

9. In his statement recorded on 28.09.2026, the applicant has allegedly stated that he purchased SIM cards from accused Ubaid Ullah during the period from 2025 till March 2026. It is stated that he sold approximately 1250 SIM cards to one Asif and his relative Yusuf. It is also stated that he received monies from the said Asif and Yusuf through UPI for the said SIM cards, which was transferred to the accused Ubaid Ullah. It is also stated that he used to operate the WhatsApp group by the name 'OTP' for selling the SIM cards on his old mobile set; however, the said mobile set has been damaged and therefore was sold off. It is stated that all chats and call records have been deleted from the old mobile set.

10. The applicant does not dispute the allegations of the respondent that he had collected SIM cards from accused Ubaid Ullah and made payments for the SIM cards through UPI transactions. The connection of the applicant to the investigation of the SIM cards illegally collected by Ubaid Ullah from co-accused Ashim Purkayastha is therefore prima facie established. The action of the applicant in approaching the CBI office on 28.09.2026 with a

[5] 9085795898 (X)
[6] 6001237094

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 13/10/2026 at 09:56:44

newly purchased (second-hand) handset and a new mobile number gives credence to the contention of the respondent that the applicant is not cooperating. The action of the applicant in purchasing a new mobile number on 20.09.2026 and furnishing the said mobile number and the new handset for investigation does not establish cooperation or bonafide. The action of the applicant in disposing of the old handset containing his WhatsApp chats with the purchasers of the SIMs, purchasing a new mobile number after the filing of this petition and before joining an investigation, seen in conjunction with the fact that he failed to join investigation on being served with notice under Section 179 BNSS on 12.03.2026, justifies the submission of the respondent alleging non-cooperation by withholding material information.

11. In these facts, considering that there is a massive fraud involving 2200 complaints, the action of the applicant in not providing details of the persons to whom the SIM cards were sold evidences his lack of cooperation in sharing information available with him.

12. This Court therefore finds no merit in this application seeking anticipatory bail, and the same is dismissed.

13. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of the order shall be insisted upon by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 9, 2026/*mt*/aa

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 13/10/2026 at 09:56:44