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

\# **CNR No. DLHC010517882026**

\+ **BAIL APPLN. 4589/2026**

DEV RAJ .....Petitioner

Through: Mr. Afesh Kumar, Mr. Sumit Kumar, Mr. Raghav Agarwal and Mr. Shrestha Saxena, Advs.

versus

STATE GOVT OF NCT OF DELHI .....Respondent

Through: Ms. Meenakshi Dahiya, APP
Mr. Vikas Sharma, Adv. for Complainant
Insp. Pawan Kumar, AGS Crime Branch (Mb: 9971910880)
Ms. Harsha Sharma, Mr. Anand Kumar Dubey and Mr. Ashutosh Singh, Advs. for the victim.

CORAM:
HON'BLE MS. JUSTICE MADHU JAIN

O R D E R

% 05.11.2026

1. This hearing has been conducted through hybrid mode.

2. The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS') has been filed seeking regular bail in ***FIR No. 185/2025*** registered at Police Station Crime Branch under Sections 316(5), 318(4), 351(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as 'BNS').

3. Briefly stated, the prosecution case is that the complainant was induced to part with substantial sums of money on the representation that the applicant would facilitate the award of road-project tenders in Nagaland. The applicant

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was arrested on 23.06.2026 and remains in judicial custody. The investigation is concluded, and the chargesheet has been filed.

4. The Status Report has been handed over by the learned APP for the State today in Court.

5. Let the same be taken on record.

6. Learned counsel appearing on behalf of the applicant submits that the applicant has been in judicial custody since 27.06.2026. It is further submitted that the petitioner has settled the matter with the principal complainant and is therefore entitled to be released on bail.

7. Learned counsel also submits that, although the alleged cheated amount exceeds Rs. 3 crore, the Investigating Officer (IO) of the Crime Branch has not transferred the investigation to the Economic Offences Wing (EOW), contrary to the mandate of ***Standing Order No. Crime/06/2022*** issued by the Commissioner of Police, Delhi.

8. It is also submitted that no one has entered appearance on behalf of Haranath Babu Pamulapati and that, although the IO projects him as the third victim, he has not come forward till date.

9. *Per contra*, the learned APP for the State submits that the petitioner has settled the matter only with the principal complainant, whereas the other two alleged victims are yet to be compensated.

10. Learned APP further submits that, under the applicable SOP, the Crime Branch is competent to retain the investigation and therefore, there is no infirmity in the investigation being conducted by it. As regards the third alleged victim, namely, Haranath Babu Pamulapati, it is submitted that he contacted the Investigating Officer (IO) through WhatsApp stating that he had paid the money to the applicant. The IO thereafter verified the same from the

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relevant bank records which showed that the amount had been transferred to the applicant's account.

11. Learned counsel appearing on behalf of the principal complainant submits that the applicant has already paid approximately Rs.3 crore to the complainant and that the balance amount of approximately Rs.50 lakh shall be paid upon his release on bail.

12. Learned counsel appearing on behalf of the victim, Bora Jagan Mohan Rao however submits that, a substantial part of the amount payable to the said victim remains outstanding. It is submitted that, after making an initial payment, the applicant declined to make any further payment.

13. Learned APP for the State further submits that apart from the present case, one other FIR stands registered against the applicant.

14. Learned counsel for the applicant in response, invites the attention of this Court to ***FIR No.40/2025*** registered at Police Station Makthal, Telangana wherein it is pointed out that, in the particulars of the known/suspected/unknown accused, Bora Jagan Mohan Rao, who is described as a victim in the present FIR, figures as accused No.1.

15. On the strength of the aforesaid document, learned counsel for the applicant contends that Bora Jagan Mohan Rao is the *"kingpin"* of the alleged conspiracy and that instead of proceeding against him as an accused person, he has been projected as a victim by the IO.

16. Learned counsel appearing for Bora Jagan Mohan Rao disputes the aforesaid submission. It is submitted that ***FIR No.40/2025*** is a separate and distinct case and that insofar as the present FIR is concerned, Bora Jagan Mohan Rao is a victim and not an accused.

17. This Court has heard both the learned counsel(s) for all the concerned

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parties and has also perused the material placed on record.

18. The rival contentions concerning the role and status of Bora Jagan Mohan Rao in ***FIR No.40/2025*** raises issues which are not required to be finally determined while considering the present bail application. No opinion is therefore expressed in that regard. At this stage, it is material that the chargesheet has already been filed and the applicant has remained in judicial custody since 27.06.2026. The learned counsel for the principal complainant has also acknowledged the receipt of approximately Rs.3 crore and the applicant's wife, who is a co-accused in the matter, has already been granted bail by this Court *vide* order dated 06.08.2026. Having regard to the totality of the circumstances, and without expressing any opinion on the merits of the case, this Court is of the view that the applicant need not be subjected to further incarceration.

19. Accordingly, the present application is allowed. The applicant is directed to be released on regular bail upon furnishing a personal bond to the sum of Rs. 50,000 with a surety of the like amount to the satisfaction of the concerned learned Trial Court/Duty JMFC/Link JMFC, subject to the following conditions:

i. The applicant shall intimate the learned Trial Court and the Investigating Officer of any change in his residential address.

ii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.

iii. The applicant shall furnish his mobile number to the Investigating Officer and keep the same operational at all times.

iv. The applicant shall not, directly or indirectly, tamper with the evidence or influence any witness connected with the case.

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v. The applicant shall report to the office of the concerned SHO, Police Station Crime Branch, New Delhi, on the first Monday of every month between 11:00 a.m. and 12:00 noon.

vi. The applicant shall not leave India without the prior permission of the concerned learned Trial Court.

20. Accordingly, the present application stands disposed of.

21. Pending application(s), if any, also stand(s) disposed of.

22. Interim order(s), if any, also stand(s) vacated.

23. A copy of this order be sent to the concerned Jail Superintendent as well as the concerned learned Trial Court for information and necessary compliance.

24. The order be uploaded on the website *forthwith*.

MADHU JAIN, J

NOVEMBER 5, 2026/b/PG

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