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

\+ BAIL APPLN. 3701/2025 & CRL.MA. 13711/2026

SUNIL KUMAR .....Petitioner

Through: Mr. Sunil Beniwal, Mr. Rajendra Beniwal and Mr. Teevranshu Vashishtha, Advocates

versus

STATE OF NCT OF DLEHI .....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP with SI Sanjeev Lehri, PS Cyber

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% **04.05.2026**

1. By way of the present application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks anticipatory bail in connection with FIR No. 80/2024, dated 30.11.2024, registered at Police Station Cyber (South-East), under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"].

2. I have heard Mr. Sunil Beniwal, learned counsel for the petitioner, and Mr. Yudhvir Singh Chauhan, learned Additional Public Prosecutor, for the State. Mr. Chauhan also states, upon instructions from SI Sanjeev Lehri, that the complainant was informed of the pendency of the proceedings in terms of order dated 24.09.2025. In fact, it is submitted that the complainant is logged in by video conference, but has not made any submissions.

3. The petitioner was granted interim protection by order of this Court dated 20.02.2026, which recorded as follows:

> "*2. The FIR was registered on the allegation that the complainant had been defrauded by unknown fraudsters, who induced her to invest a sum of approximately Rs. 14,65,546/-, in a bogus gambling site advertised on social media. The allegation against the petitioner is that a bank account in his name has received a sum of Rs. 50,000/-, from the account into which the complainant remitted the aforesaid sums.*
> *3. While the petitioner's application for anticipatory bail [Bail Application No. 2269/2025] was pending before the Sessions Court, he was granted interim protection by order dated 19.08.2025. However, the application was ultimately dismissed on 04.09.2025.*
> *4. It is the case of the petitioner that he cooperated with the investigation in the interim, and reported to the Investigating Officer ["IO"] on three occasions, but was not entertained.*
> *5. In the present bail application, notice was issued on 24.09.2025, but no interim protection was granted to the petitioner.*
> *6. Mr. Ajay Vikram Singh, learned Additional Public Prosecutor, submits that the petitioner is required to explain the aforesaid transaction, and other banking transactions, in respect of which also complaints have been received, involving his bank accounts.*
> *7. Having regard to the fact that the aforesaid transactions have been carried out through banking channels, which would ordinarily be supported by documents, I am of the view that an opportunity can be given to the petitioner to join the investigation and explain the transactions.*
> *8. The IO, who is present in Court, states that the petitioner may be directed to join the investigation on 02.03.2026 at 4:00 PM.*
> *9. Subject to the petitioner reporting to the IO on the said date, and thereafter on every occasion as may be required by the IO, it is directed that the petitioner not be arrested in connection with the subject FIR until the next date of hearing.*"

4. The State has thereafter filed an updated status report dated 20.03.2026, contending the petitioner's bank account was used as a mule/conduit account for receiving proceeds of cyber fraud from different transactions. It is also contended that the petitioner has failed to produce any documents in support of his contention that he was using the mobile application "Binance" for trading in Cryptocurrency, and has received a

sum of Rs. 2,00,900/- on account of a transaction for sale of cryptocurrency.

5. Mr. Chauhan submits that the petitioner's failure to produce the mobile phone, which was used at the time of the aforesaid transactions despite an order dated 20.03.2026, also points to his non-cooperation with the investigation.

6. It is evident from the record that the allegations against the petitioner pertains to a receipt of Rs. 50,000/- into his bank account, as a second layer transaction, out of a sum of Rs. 14,65,546/-, which is the subject matter of the present complaint. In the petitioner's account also there was no credit transaction for a sum of Rs. 50,000/-, but the allegation of the prosecution is that this sum was included in a sum of Rs. 2,00,900/- which was credited into the petitioner's account on 28.08.2024.

7. Mr. Beniwal, on the other hand, has annexed certain documents relating to transactions in Cryptocurrency, which also reflects a sale value of the same amount [Rs. 2,00,900/-].

8. As far as the allegation of non-cooperation is concerned, Mr. Chauhan has drawn my attention to order dated 20.03.2026, which records an undertaking on behalf of the petitioner, that he would produce his mobile phone before the Investigating Officer ["IO"] when called upon. According to Mr. Chauhan, he has failed to produce the mobile phone used by him at the time of the aforesaid transaction. However, Mr. Beniwal submits that his undertaking was given on a misconception that his present mobile phone was required, as the mobile phone used during the period of the transaction is no longer with the petitioner, and he has

no access to it. The transaction being of one and a half years in the past, the aforesaid explanation is, *prima facie*, plausible. I do not consider it appropriate to expose the petitioner to deprivation of his liberty on such an allegation of non-cooperation.

9. It appears from the record that the material in relation to the prosecution case, as well as the transaction relied upon by the petitioner, is largely documentary. The petitioner is accused of having received a relatively small proportion of the funds remitted by the complainant. In such a case, I am of the view that custodial interrogation of the petitioner is not required, and the *prima facie* case also does not require him to be deprived of his liberty.

10. For the reasons aforesaid, it is directed that, in the event of arrest in connection with FIR No. 80/2024, dated 30.11.2024, registered at Police Station Cyber (South-East), under Section 318(4) of BNS, the petitioner be released on bail subject to furnishing a personal bond in the sum of Rs. 25,000/-, with one surety in the like amount to the satisfaction of the IO/SHO, subject to the following further conditions;

a. The petitioner will join the investigation on each and every occasion, as required by the IO, and will cooperate in the investigation.
b. The petitioner shall not directly/indirectly try to influence the complainant/witnesses or tamper with the evidence.
c. The petitioner will furnish his mobile number to the IO, and shall keep the said mobile phone running and always switched on. The mobile number shall not be changed or switched off without prior intimation to the IO.

d. The petitioner will give his residential address to the IO, and will not change his residential address without prior intimation to the IO.

e. The petitioner shall not commit any offence during pendency of these proceedings.

11. The bail application is disposed of.

12. It is clarified that the observations made herein are solely for the purpose of adjudication of the present bail application and shall not be construed as an expression of opinion on the merits of the case, nor shall they prejudice the rights and contentions of the parties at any stage of the proceedings.

PRATEEK JALAN, J

MAY 4, 2026
'sv'/AD/