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By: DIKSHA KAWAT
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2026:DHC:2155



1.1 Learned counsel for accused/applicants appearing through videoconferencing submits that he is appearing in Tis Hazari Courts and seeks a pass over to address in these matters. But pass over request is declined, because if pass over is allowed, these matters will not reach till even 05:30pm. And being old pending bail applications, adjournment also is not possible. The daily cause lists clearly bear an endorsement that the bail matters of the Advance List shall be taken up first so that the old pending bail matters get decided.

1.2 These anticipatory bail applications came up for the first hearing on 25.10.2024 and 04.11.2024 before the predecessor bench and thereafter continued getting adjourned before different benches. By orders dated 10.02.2025 and 29.10.2024, the accused/applicants were granted interim protection from arrest subject to joining investigation and that protection continues till date on date to date basis. Along with 179 such old pending bail applications, these three anticipatory bail applications also were transferred to this bench.

1.3 Today is the first hearing before me. I have heard learned counsel for accused/applicant through videoconferencing and learned APP for State present in courtroom.

2. Broadly speaking, prosecution case is as follows. The complainant *de facto*, a single parent bringing up two sons lodged complaint that when her son was in Rehabilitation Centre, Dehradun, the accused Parth Gulhati met

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him. When the accused Parth Gulhati came out in January 2022, he called her up and assured her that he could send both her sons to Canada for opening a resort, so that her sons get settled. In February 2022, accused Parth Gulhati called her to Mumbai and thereafter, across a period of few months, he made her transfer different amounts of money in the bank accounts of all the accused persons under the pretext of fees for sending her children abroad. As per the complainant *de facto*, she continued paying that amount because the accused persons had warned that in case she stopped making payments, the money already paid would go waste. The accused Parth Gulhati, according to the complainant *de facto* also hacked her mobile phone and transferred certain amount to his bank account. Even after she lodged complaint on the portal of the Delhi Police, the accused/applicants refused to return her money, which by then had become to the tune of approximately Rs.25,00,000/- as per investigation. After lodging of that online complaint, the accused/applicants took her to one lady, apparently an employee of IRISH Expert, the group that sends persons abroad and the accused/applicants made her pay Rs.11,500/- online to IRISH Expert. Later, when her sons were not sent abroad, she insisted for being paid back her entire amount, the accused/applicants threatened to kill her and to level false allegations, thereby assassinating her character.

3. Learned counsel for accused/applicants submits that the money received by the accused/applicants was pertaining to different other transactions and that even according to the FIR, what the complainant *de facto* wants is only return of her money, which is a civil dispute and cannot



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be given a colour of criminality. It is also contended that whatever transactions of money were, the same were between the complainant *de facto* and accused Mitali Gulhati and those transactions were not business transactions. It is also contended that there is no documentary evidence to show that the accused/applicants ever threatened the complainant *de facto*, as alleged by her in the FIR. It is also contended that out of Rs.11,00,000/- (*approximately*) received by the accused/applicants, a sum of Rs.8,00,000/- already stands paid back. There is no ingredient of Section 406 IPC, according to learned counsel for accused/applicants. Lastly, it is contended by learned counsel for accused/applicants that there is no allegation of inducement or dishonest intention in the friendly transactions between the parties according to the FIR.

4. Learned APP strongly opposes these anticipatory bail applications, stating that the accused/applicants are not truthfully disclosing the receipt of payments, despite the fact that those payments were made through banking transactions. In this regard, the IO/SI Arun Kumar has shown me the copies of interrogation reports of the accused/applicants. Further, it is contended by learned APP that according to the investigations carried so far, out of the allegedly cheated amount of Rs.25,00,000/- (*approximately*), only Rs.11,500/- was paid to the IRISH Expert, the company which helps to send people abroad, which clearly shows that rest of the money entrusted by the complainant *de facto* for sending her sons abroad was misappropriated by the accused/applicants.



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5. Neither before the investigating officer through interrogation process nor before this court through arguments on these anticipatory bail applications has it been disclosed as to under what pretext the money to the tune of Rs.25,00,000/- (*approximately*) was received by the accused/applicants through banking transactions from the complainant *de facto*. As regards the argument that there is no specific allegation of inducement and/or dishonest intentions in the FIR, suffice it to note that mere usage of such words does not make out an offence. What is required is to examine the overall content of the complaint to infer inducement and/or dishonest intention and/or the remaining features of an alleged offence. The overall content of the present FIR does not show that the only complaint of the complainant *de facto* is for refund of her amount. It is *prima facie* not a case of only a civil dispute being given colour of criminality. It is not the case of the accused/applicants that they are into the business of sending persons abroad; despite that, they took money from the complainant *de facto* under the pretext of sending her sons abroad.

6. In the present case, as mentioned above, the complainant *de facto* specifically alleged that the accused/applicants took money from her through banking transactions under the pretext of sending her sons abroad to start the business of resorts. But the documents obtained by the IO from IRISH Expert show that the purpose for which sons of the complainant *de facto* were being sent abroad was for study purposes and not for business purposes. Even for that purpose, IRISH Expert took only Rs.11,500/- and thereafter, the matter was not followed with them on behalf of sons of the



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complainant *de facto*.

7. Since the accused/applicants in the course of interrogation did not admit having received the different amounts despite the fact that the said amounts were transferred online, need expressed by the IO for their custodial interrogation cannot be taken to be unjustified.

8. At this stage, learned counsel for accused/applicants submits that according to his guess, the complainant *de facto* has not reflected the disputed payments in her Income Tax Returns. For present purposes, in view of what is discussed in the above paragraphs, even if it has not been reflected in the Income Tax Returns, it cannot be inferred that the offences alleged have not been committed. On this aspect, learned APP for State also submits that there are documentary evidence as well as WhatsApp chats which clearly establish transfer of money from complainant *de facto* to the accused/applicants. The investigation is continuing.

9. In view of the aforesaid, I do not find these cases fit for grant of anticipatory bail.

10. All these applications for anticipatory bail are dismissed.

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(JUDGE)

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