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

\+ BAIL APPLN. 4230/2025

DILKHUSH KUMAR .....Petitioner

Through: Mr. Ajit Kumar and Mr. Rajesh Kumar, Advocates.

versus

STATE OF NCT OF DELHI .....Respondent

Through: Ms. Priyanka Dalal, APP.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

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

% **17.02.2026**

1. The applicant seeks regular bail in a case arising out of FIR No. 480/2024 dated 16.10.2024, registered at P.S. Special Cell, Delhi, for commission of offences under Sections 318/319/61 of *Bharatiya Nyaya Sanhita (BNS), 2023* (corresponding Sections 415/416/120B IPC).

2. According to learned counsel for applicant, the principal perpetrator and Mastermind is one Abhishek Kumar. He was the one who, allegedly, created APK files, maintained foreign links and handled proceeds of alleged scam and since Abhishek has already been released on bail, the continued incarceration of the applicant herein, whose role is much more trivial, is absolutely unwarranted. He also contends that the learned Trial Court has dismissed the applicant's bail application without appreciating the actual role ascribed to him and even if the case of the prosecution is taken as gospel truth, the involvement of applicant was, merely, limited to arranging an account against promised commission, which was nominal one. It is also argued that there is no *mens rea* involved and since the investigation is already complete and the applicant is not required for any custodial interrogation either, no purpose would be achieved by keeping him behind

the bars.

3. The FIR in the present case came to be registered on the basis of complaint of Mr. Mahinder Kumar, who claimed himself to be victim of online fraud. He alleged that on 13.08.2024, he was added to a WhatsApp group by one Ishani Mehta who introduced herself as Assistant of RBL Securities. He, was, then added to another WhatsApp group and a web-link of trading application was also shared with him. He was convinced to invest money through their platform on the pretext of high returns and was, eventually, duped of total amount of Rs. 6.38 crores.

4. The complainant was induced to deposit the abovesaid amount in multiple bank accounts and substantial amount of Rs. 99.81 lacs was deposited in account of 'Kumar Properties' maintained at UCO Bank, Patna, Bihar.

5. The concerned Bank Manager was directed to provide KYC documents of the said account which revealed that abovesaid account was in the name of one 'Guddu Kumar'. The details of the related mobile number and e-mail ID, linked with said account, were shared with the police by such Bank Manager. However, when the police visited the given address of 'Kumar Properties', no such firm was found running from there and even Guddu Kumar was not found.

6. During investigation, police sought details of said email-ID linked with the abovesaid bank account and on the basis of reply received from Google LLC, and based on IP logs, the investigating agencies, eventually, reached the applicant herein i.e. Dilkhush Kumar.

7. The applicant was thereby directed to join the investigation and during interrogation, when confronted with technical evidence, he remained

evasive and was, therefore, arrested. From his possession, two mobile phones were also recovered, which as per the prosecution, are directly connected to said bank account.

8. As per learned APP for the State and learned counsel for complainant, there is active participation of the applicant in the entire cyber scam. He was the one who was renting mule bank accounts and installing APK files on the mobile phones in a deceitful manner by forwarding mere OTPs and even the WhatsApp data recovered from his mobile phone reveals his complicity, as it confirms that he was in constant touch with his other co-accused.

9. As per the investigation, the abovesaid account of 'Kumar Properties' opened at UCO Bank, Patna was his handiwork, as his role, *inter alia*, was to open bogus firms and for such purpose, he, even, allured indigent and downtrodden persons. He used to prepare the required documents and facilitate opening of bank accounts in their names, for the purpose of illegal activities. He was the one who created the abovesaid e-mail ID registered with the abovesaid account of 'Kumar Properties' where substantial amount was transferred by the complainant and later siphoned off. It is contended that there is recovery of incriminating data from the two mobile phones recovered from his possession and according to prosecution, his high skill in technical aspects was one reason behind the magnitude of the present fraud.

10. According to learned counsel for applicant, the mastermind of such cyber scam is Abhishek Kumar and since he has already been released on bail, the applicant herein also becomes entitled to concession of bail.

11. Learned APP and learned Counsel for complainant while opposing to the abovesaid *plea* for bail, contend that co-accused Abhishek Kumar had facilitated partial compensation to the complainant which resulted in grant

of bail to him as the complainant had given his 'no objection' in this regard. The bail was granted to him on 07.08.2025 by learned Court of Sessions, without going into the merits of the case, *albeit*, while granting bail, the learned Sessions Court should have assessed the entire magnitude of the case as the partial compensation was highly, even otherwise, disproportionate.

12. Be that as it may, the charges have yet not been farmed and some of the co-accused are still at large and, therefore, at this juncture, this Court does not find any merit in the present application.

13. The application is accordingly dismissed.

14. However, once the charges are ascertained, applicant shall be at liberty to file application afresh.

15. Needless to state, nothing observed hereinabove shall be taken as final expression on the merits of the case.

MANOJ JAIN, J

FEBRUARY 17, 2026/sw/sa