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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 18.03.2026

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BAIL APPLN. 4473/2024 & CRL.M.(BAIL) 2072/2024,
CRL.M.A. 36652/2024 & 12666/2025

ABHINAY KUMAR

.....Petitioner

Through: Mr. Ankur Yadav, Advocate (*through videoconferencing*)

versus

STATE(GOVT. OF NCT OF DELHI)

.....Respondent

Through: Mr. Amit Ahlawat, APP for the State
with SI Satender Kumar and Inspector
Abhijeet Singh.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks anticipatory bail in case FIR No. 387/2024 of PS Geeta Colony for offence under Section 406/420/120B/34 IPC.

1.1 This anticipatory bail application was listed for first hearing on 05.12.2024 before the predecessor bench and after hearing both sides, the learned predecessor bench directed that subject to his joining investigation, the accused/applicant shall not be arrested till next date. That interim

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protection continued on date to date basis till date. Along with 179 such old pending bail applications, this application also was transferred to this bench.

1.2 Today is the first hearing before this bench. I have heard learned counsel for accused/applicant and learned APP for State.

2. Briefly stated, prosecution case is as follows. In the FIR, the complainant *de facto* alleged that he was approached by the accused/applicant and one Lalit Jain in January 2024 with an offer for investment in their company namely M/s Clean Earth Innovations Pvt. Ltd., which is dealing in scrap and manufacture of environment friendly products. The accused/applicant and his associate assured to transfer to the complainant *de facto* 2% shares in the company for investment of Rs. 2 crores. The accused/applicant and his associate persuaded the complainant *de facto* after showing him financial health status of the company. Accordingly, the complainant *de facto* paid cash amount in three instalments, viz., Rs.44.6 lakhs on 11.01.2024 at Chacha Nehru Hospital, Geeta Colony; Rs.25.75 lakhs on 12.01.2024 and Rs.25 lakhs on 24.02.2025 at Karol Bagh. The said entire amount was paid in cash against receipts issued by the accused/applicant and his associate. But the accused persons neither transferred 2% shares in their company nor returned the amount. Hence, according to the complainant *de facto*, he was cheated by the accused persons.

- Learned counsel for accused/applicant submits that the entire case set

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up by the complainant *de facto* is false and that the accused/applicant never issued any receipt to the complainant *de facto*. It is further contended that during the period of interim protection from arrest, the accused/applicant joined investigation whenever directed by the IO and his specimen signatures have already been taken for being compared with the alleged receipts. It is also contended that there is no evidence collected to show any cash money drawn by the complainant *de facto* from his bank account, to be handed over to the accused persons.

4. Learned APP for State submits that the accused/applicant be directed to join investigation, in case he is granted anticipatory bail. However, learned APP admits that specimen signatures of the accused/applicant have already been obtained by the IO.

5. In order to ascertain if the complainant *de facto* paid any money to the accused persons towards purchase of 2% shares of the company of the accused persons, the IO was directed to show the said cash receipts. Those receipts are completely silent about any purchase of shares. Those receipts are printed material on letter head, bearing signatures alleged to be of the accused/applicant. The unusual space between the printed material and the signatures *prima facie* raises a suspicion. Even the learned Court of Sessions while dealing with anticipatory bail application of the accused/applicant recorded such observation.

6. At this stage, during dictation of the order, learned APP also submits



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that as per evidence collected by the IO, on the date of payment of first instalment, the accused/applicant was not a Director in the said company. But on this aspect, as mentioned above, *prima facie*, the material on record is not of the nature that the accused/applicant be deprived of liberty.

7. Considering the overall circumstances, the application is allowed and in the event of his arrest, the accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the IO/SHO concerned. Pending applications stand disposed of.

8. Of course, on the above aspects, the learned trial court shall take independent view at the final stage on the basis of evidence adduced during trial.

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(JUDGE)**

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