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

\+ BAIL APPLN. 4851/2025, CRL.M.A. 37327/2025

ROSHAN @ DIWANA .....Applicant

Through: Mr. Bibek Tripathi, Mr. Sudhakor Tiwari and Mr. Manoj Kr., Advs.

versus

STATE OF GNCT OF DELHI .....Respondent

Through: Mr. Satish Kumar, APP with Ms. Upasna Bakshi, Ms. Divya Bakshi and Mr. Gourav Singh, Advocates with SI Aarif Alam, PS: Badarpur

CORAM:
HON'BLE MR. JUSTICE SAURABH BANERJEE

O R D E R

% **22.04.2026**

1. By virtue of the present application under *Section 482* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (***BNSS***), the applicant seeks anticipatory bail FIR No.0428/2021 dated 20.07.2021 registered at PS.: Badarpur, Delhi under *Section 420* of the Indian Penal Code, 1860.

2. *Succinctly put*, as per FIR the complainant was awarded a distributorship of various products of ITC brand, pursuant to which he deposited different amounts at different intervals, primarily in two Bank Accounts i.e., Axis Bank and UCO Bank, amounting to a total of Rs.14,00,000/-. Although, the inauguration date for opening the distribution shop was due on 31.03.2021, however, as requested by the ITC agent, the complainant deposited more money for opening the shop. Despite this, although the complainant made various calls to the said agent however, they went unanswered. As such, the present FIR was registered.

3. During investigation, pursuant to a Notice under *Section 91* of the Cr.P.C. issued to the said Banks, it was revealed that the beneficiaries of the said Bank Accounts were under the name of one Mr. Dharmendra Ravidas and one Mr. Ashish Rajesh Kushwaha, who had their registered addresses at Mumbai. Subsequently, they were investigated and it was disclosed that the applicant, being their friend (*class mate*) had taken and misused their Aadhaar Card and PAN card for KYC purposes, on the pretext that the applicant did not have any residence proof in Mumbai. Similarly, the co-accused, i.e., Mr. Ravishankar Jha had disclosed that he had opened one Bank Account at request of applicant herein.

4. Considering the involvement of the applicant herein, Notice under *Section 41A* of the Cr.P.C. was served upon him, however, despite his interrogation being held multiple times, he has not disclosed the true facts and has not been co-operating with the investigation, in utter disregard of the order dated 27.05.2025 passed by learned Trial Court. In fact, this Court had granted interim protection to the applicant by directing him to join the investigation *vide* order dated 16.12.2025 as well, however, the applicant failed to cooperate once again.

5. At the outset, learned counsel for the applicant submits that the applicant is a young man with clean antecedents and the applicant's name was surfaced for the first time in the year 2025 i.e., after passing of approximately *four years* on the basis of co-accused person's statement. More so, he submits that as per the judgment passed by the Apex Court entitled ***Satender Kumar Antil vs. CBI***; *(2022) 10 SCC 51,* custodial interrogation is not required in offences punishable below *seven years* unless necessary. Based thereon, learned counsel for the applicant submits

that as no forged document or any incriminating material was recovered from the applicant's possession or residence by the investigating agency, as also since the applicant is a permanent resident of Mumbai, there is no possibility of him fleeing away. As such, the present application is liable to be allowed.

6. Learned APP for the State, whilst relying upon the Status Report and controverting the submissions made by learned counsel for applicant, submits that the allegations *qua* the applicant are serious in nature involving an economic offence as also the investigation is at a nascent stage since the cheated amount is yet to be recovered. He submits that there has been repeated non-cooperation on behalf of the applicant despite order passed by the learned Trial Court as also by this Court. Custodial interrogation of the applicant is necessary for completion of the investigation as he is the main accused. In view thereof, learned APP for the State prays that the present application deserves to be dismissed.

7. Heard. Perused the documents on record as well.

8. Records reveal that misuse of identities coupled with creation of false Bank Accounts involving financial transactions *qua* the applicant are apparent. Moreover, the applicant has not participated in the investigation and has merely joined therein, though his cooperation was essential for unearthing the chain of events in an economic offence, which, itself has more than a singular trail and the same were used by the applicant to run fraudulent transactions.

9. Though mere not getting the requisite responses in itself cannot be a sole ground for denial of anticipatory bail, however, when it comes to granting anticipatory bail and that too in a case involving an economic

offence, this Court has to be cautious and careful as the same has an impact at the general public. As also, as many as *seven months* have already lapsed since the learned Trial Court had granted him interim protection.

10. In view of the above, since no ground for granting anticipatory bail is made out, the present application, along with the pending application is accordingly dismissed.

11. The observations expressed hereinabove, if any, being tentative in nature, will not come in the way of any subsequent proceedings, which shall be dealt on their own merits.

SAURABH BANERJEE, J

APRIL 22, 2026/So