

IN THE COURT OF MR. HARGURVARINDER SINGH JAGGI,
ADDL. SESSIONS JUDGE (FTC– 01), SOUTH DISTRICT, SAKET
COURTS, NEW DELHI

Bail Matter No.: 1435/2026	
CNR No.: DLST01-008046-2026	
FIR No.: 155/2026	
Police Station: Safdarjung Enclave	
u/Section: 356, 317, 319 BNS, 2023; 66C, 66E, 67 IT Act, 2000	

IN THE MATTER OF:

STATE

... Non-Applicant

Through – Mr. Santosh Kumar, Additional Public Prosecutor and Mr. Ashesh Kumar, Additional Public Prosecutor (*substitute*) for the State.

Mr. Shravan Kumar, Insp. (IO), PS – Safdarjung Enclave.

Mr. Arjun Syan, Advocate for the complainant – Prateek Paul.

v.

MICHAEL ASHISH MUKHERJEE

... Applicant

Through – Mr. Nabeel Ahmed and Mr. Prabal Pratap, Advocates for the Applicant.

Date of filing of bail application:	13.07.2026
Date of reserving order:	21.07.2026
Date of pronouncement of order:	22.07.2026

ORDER

22.07.2026

1. Michael Ashish Mukherjee (Applicant) has moved an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking pre-arrest (anticipatory) bail in relation to FIR No. 155/2026 dated 05.05.2026 (FIR 155/2026) registered at police station Safdarjung Enclave, South Delhi, Delhi under Sections 356, 317, and 319 of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 66C, 66E, and 67 of the Information Technology Act, 2000.

2. Since the present application is for pre-arrest bail, the applicant, Michael Ashish Mukherjee has not been arrested and apprehends imminent arrest.

Facts

3. The factual narration as traced from the FIR 155/2026 is that the same was registered on the complaint of Prateek Paul, a Ph.D. scholar at Columbia University, New York, USA. The genesis of the present crime stems from a bitter matrimonial dispute between the applicant and the complainant's sister, Perna, who has filed for divorce on grounds of cruelty and adultery.

4. The prosecution alleges that in retaliation, the applicant orchestrated a sinister campaign of cyber-harassment, extortion, and

criminal intimidation. He allegedly created fake email IDs to impersonate the complainant, fabricating communications and sending them to various United States authorities, including the FBI, Department of Justice, USCIS, and Immigration and Customs Enforcement (ICE). In these emails, the applicant falsely confessed on behalf of the complainant to the assassination of an individual named Charlie Kirk, attaching the complainant's passport, visa, and New York ID to lend credibility. As a direct result, agents from the U.S. Department of Homeland Security (DHS) visited the complainant's address in New York on 08.10.2025 to detain him. Furthermore, the applicant allegedly made false complaints to Qatar Immigration Authorities against his wife and to the Indian Income Tax Department alleging a ₹5 Crore tax fraud by his mother-in-law.

5. During the course of the investigation, the Investigating Officer issued a notice under Section 35(3) of the BNSS dated 22.06.2026 directing the applicant to join the investigation on 27.06.2026, which the applicant deliberately evaded. Responses from international tech entities like Google LLC, Microsoft Corporation, and Proton AG are currently awaited to unearth the complete cyber conspiracy.

Bail application & Reply by IO

6. Michael Ashish Mukherjee in the bail application has prayed that the applicant be released on anticipatory bail in the proceedings arising out of FIR 155/2026 centering on the plank that he has been falsely implicated in the subject matter as a byproduct of the ongoing matrimonial dispute.

7. The primary contention lodged by the applicant in the bail application is that his arrest is unwarranted as he is undergoing treatment for mental health issues arising from the stress of the matrimonial dispute and is the sole caretaker of his elderly, ailing parents in Prayagraj. Notably, however, there is absolutely no averment in the bail application regarding the clean antecedents of the applicant.

8. The Investigating Officer (IO) in the reply strongly opposed the anticipatory bail application stating that the applicant's custodial interrogation is strictly required for the recovery and seizure of the electronic devices (mobile phones, laptops, computers, storage devices) used in the commission of the highly sophisticated cybercrimes. The IO also emphasized the applicant's deliberate evasion of the investigation and the risk of him tampering with critical electronic evidence.

Submissions by Counsels

9. Mr. Nabeel Ahmed learned counsel for the applicant opened his arguments in tandem with the averments made in the bail application. The learned counsel at length read out the contents of the FIR, bail application, supporting documents and the case laws seeking grant of anticipatory bail to the applicant.

10. The learned counsel for the applicant submitted that the present prosecution is a misuse of criminal law in a family dispute, and the arrest would disrupt his medical treatment and cause severe hardship to his dependent parents.

11. *Per contra*, Mr. Ashesh Kumar, learned Additional Public Prosecutor (APP) submitted that this is not a fit case of bail as urged by the learned counsel for the applicant.

12. The learned APP further submitted that the applicant has not approached this Court with clean hands. He vehemently pointed out that the applicant has deliberately suppressed the fact about a judgment dated 29.05.2026 passed by the Hon'ble High Court of Delhi in ***Prerna Paul v. Michael Ashish Mukherjee & Anr. – 2026 DHC 4997***, whereby the Court found the accused/applicant guilty of contempt of court, leading to the issuance of non-bailable warrants (NBWs) against him.

13. The learned APP submitted that the accused/applicant was well aware of these warrants and the contempt conviction, as he had actively moved an application seeking the recall of the said order and the cancellation of the warrants/bail, yet chose to completely conceal this material fact from this Court.

14. Mr. Nabeel Ahmed, learned counsel for the applicant, rejoined his submissions by stating that the applicant, Michael faces an imminent threat of unwarranted arrest and pre-arrest bail may be granted to him, for which the applicant is ready and willing to abide by any terms and conditions as imposed by the Court.

Analysis & Findings

15. On careful perusal of the application, reply/objections filed by the IO and weighty arguments advanced by the learned counsel for the

parties, the Court has to answer the question, whether the applicant, Michael Ashish Mukherjee can be granted the relief of anticipatory bail as sought?

16. At the stage of granting of bail, only a *prima facie* case needs to be examined and detailed reasons relating to the merits of the case that may cause prejudice to the accused, ought to be avoided. The bail order should reveal the factors that have been considered by the Court for granting relief to the accused – See *Ajwar v. Waseem & Anr.* – 2024 INSC 438, pp.28.

17. The Hon'ble High Court of Delhi in *Shaveta Kataria v. State Govt. of NCT of Delhi & Anr.* – 2025 DHC 8043 while relying upon the law reports of the Apex Court in *Brijmani Devi v. Pappu Kumar & Anr.* – (2022) 4 SCC 497 and *Mahipal v. Rajesh Kumar @ Polia* – (2020) 2 SCC 118 observed that the law is well settled that bail proceedings are not intended to mirror the evidentiary rigour of a full-fledged trial. To engage in a detailed assessment of competing versions at this stage would risk converting the bail hearing into a mini-trial, something courts are consistently cautioned against.

18. The Apex Court has held in the catena of law reports that bail is a discretionary relief, to be granted or denied based on the specific facts and circumstances of each case. The Apex Court in its landmark judgment of *Prasanta Kumar Sarkar v. Ashis Chatterjee and Anr.* – 2010 INSC 752, laid down the following *legal principles*:

- (i) Whether there is any *prima facie* or reasonable ground to believe that accused had committed the offence;
- (ii) Nature and gravity of the accusation;
- (iii) Severity of the punishment in the event of conviction
- (iv) Danger of the accused absconding or fleeing, if released on bail;
- (v) Character, behaviour, means position, and standing of the accused;
- (vi) Likelihood of the offence being repeated;
- (vii) Reasonable apprehension of the witnesses being influenced, and
- (viii) Danger, of course, of justice being thwarted by grant of bail.

19. In light of the above stated legal principles, the answer to the pointed question about grant of bail to the applicant, Michael Ashish Mukherjee is emphatic, *No*.

20. Evaluating the case against established legal principles, the applicant's prayer for anticipatory bail is wholly devoid of merit. *Firstly*, the allegations transcend standard domestic friction and involve a highly sophisticated, vindictive, and perilous cybercrime with international ramifications. Creating fake email IDs to impersonate a citizen and sending fabricated assassination confessions to foreign federal agencies (FBI, DHS) about the assassination of Charlie Kirk, resulted in actual, imminent danger to the victim/complainant, Prateek Paul, who happens to be the brother-in-law of the applicant/accused, Michael Ashish Mukherjee.

21. *Secondly*, custodial interrogation is strictly required for the recovery of the specific digital devices used to transmit the fabricated confessions, and shielding the applicant with pre-arrest bail would practically guarantee the destruction of these digital footprints.

22. Most importantly, the applicant's conduct disentitles him to any equitable relief. It is a well-settled principle of law that any suppression, concealment, or selective disclosure of material facts amounts to an abuse of the process of law and strikes at the very root of the administration of criminal justice.

23. The Court finds that not only has the applicant actively evaded the investigation despite the issuance of a statutory notice under Section 35(3) BNSS, but there is also no averment about the clean antecedents of the applicant in his bail application.

24. Furthermore, the applicant has blatantly suppressed the fact regarding the pronouncement of judgment dated 29.05.2026, passed by the Hon'ble High Court of Delhi in ***Prerna Paul v. Michael Ashish Mukherjee & Anr. – 2026 DHC 4997***, whereby the Hon'ble High Court of Delhi found him guilty of contempt of court and issued non-bailable warrants (NBWs) against him.

25. The admitted position as traced from the record is that the applicant, Michael Ashish Mukherjee moved the present application before this Court on 13.07.2026 and much prior to that he had moved an application before the Hon'ble High Court of Delhi, seeking the recall of the order and the cancellation of the warrants/bail. Such

deliberate concealment of severe criminal antecedents and prior judicial strictures to secure discretionary relief cannot be countenanced by this Court.

Decision

26. In view of the above deliberations and observations, the Court declines to grant pre-arrest (anticipatory) bail to the applicant, Michael Ashish Mukherjee at this stage. Accordingly, the bail application moved by the applicant, ***Michael Ashish Mukherjee – Bail Matter No. 1435/2026*** is dismissed.

27. Any observation made here-in-above for the purpose of dealing with the contentions raised during the hearing of the bail application shall not be deemed to be an expression on the merits of the case.

28. Let a copy of this order be given *dasti* to the applicant through counsel. Further, let a copy of the order be transmitted to the concerned IO/SHO, police station Safdarjung Enclave, for information and necessary compliance, if any.

**Pronounced in the open Court
on July 22, 2026**

**(Hargurvarinder Singh Jaggi)
Addl. Sessions Judge (FTC-01)
South District
Saket Courts, New Delhi**

Note: This order comprises 9 pages in total. The electronic signature certificate (digital signature) of the Presiding Officer has been appended on the last page of the electronic or digital copy (PDF) of this document.