

\$~71

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

+ **BAIL APPLN. 3721/2025**

MOHIT

.....Applicant

Through: Mr. Ashutosh Singh, Mr.
Anubhav Singh & Mr.
Bhupender Singh, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar
Chahar, APP for the State.
Insp. Shiv Dev, IFSO /
Special Cell.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **25.09.2025**

1. The present application is filed seeking pre-arrest bail in FIR No. 203/2024 dated 13.05.2024, registered at Police Station Special Cell for offences under Sections 419/420/467/468/471/170/120B/34 of the Indian Penal Code, 1860 and Sections 66C/66D of the Information Technology Act, 2000.

2. Briefly stated, the FIR was registered on a complaint given by one Rajan George. It is alleged that some unknown persons impersonating as Police Officers extorted a sum of ₹1,75,00,000/- from the complainant on the strength of fake Court orders. It is alleged that on 06.05.2024, the complainant received a call from an unknown number claiming to be a Police Officer from Police Station Tilak Nagar in Mumbai. The complainant was made to believe that a sim card had been bought by using the complainant's Aadhar card and that the same

was misused to send inappropriate messages. The complainant was also threatened that he allegedly had links with the owner of Jet Airways, Naresh Goyal who is involved in money laundering. The police officer also claimed that Naresh Goyal regularly sent money to the complainant and also threatened to take strict action against the complainant. Further, video call conversations were also made by the accused persons in police uniforms claiming that they belonged to Police Station Tilak Nagar and a set-up police station was also shown to the complainant. The accused persons sent documents to the complainant claiming the same to have been issued by the Supreme Court of India as well as the CBI. The complainant was also asked to share details of his identification, photograph, account details and was also asked to transfer all his money to their bank accounts.

3. During the course of the investigation, notices were served on WhatsApp to provide the details of the alleged WhatsApp numbers used to extort the complainant. As per the analysis of the IPs, it transpired that the chats originated from Singapore. Upon the CDR analysis of the numbers, it was found that only WhatsApp was used on these numbers.

4. During the course of further investigation, the bank statements of the beneficiary accounts were obtained which led the Police to the accused persons, namely, Shobha Ram and Narender Chouhan. The said accused persons were arrested on their disclosure statement. They implicated the applicant stating that he had approached them for opening the current bank account in which a sum of ₹1,10,00,000/- was received on 07.05.2024. The investigation further revealed that a SIM card

was instrumental in facilitating communications with the complainant. The tracing of the location of the said SIM card revealed that it was in the same location as that of the applicant on 07.05.2024, the date on which a sum of ₹1,10,00,000/- was transferred from the complainant's account. Further, the CDR analysis of the mobile numbers of the applicant revealed that he was consistently in touch with the accused persons.

5. The learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He submits that the only evidence against the applicant is the disclosure statement of the co-accused persons and that the same does not suffice to implicate the applicant.

6. *Per contra*, the learned Additional Public Prosecutor for the State vehemently opposes the grant of any relief to the applicant. He submits that the investigation is at a nascent stage. He submits that the recovery of the SIM card used for facilitating communications with the complainant was in the same location as that of the applicant and was in the possession of the applicant.

7. I have heard the learned counsel for the parties and perused the record.

8. It is to be kept in mind that the investigation is currently at a nascent stage. The considerations governing the grant of pre-arrest bail are materially different than those to be considered while adjudicating application for grant of regular bail, as in the latter case, the accused is already under arrest and substantial investigation is carried out by the investigating agency.

9. It is trite law that the power to grant a pre-arrest bail is

extraordinary in nature and is to be exercised sparingly. Thus, pre-arrest bail cannot be granted in a routine manner. The Hon'ble Apex Court, in the case of *State of A.P. v. Bimal Krishna Kundu* : (1997) 8 SCC 104, held as under:

“8. A three-Judge Bench of this Court has stated in Pokar Ram v. State of Rajasthan [(1985) 2 SCC 597 : 1985 SCC (Cri) 297 : AIR 1985 SC 969] : (SCC p. 600, para 5)

“5. Relevant considerations governing the court's decision in granting anticipatory bail under Section 438 are materially different from those when an application for bail by a person who is arrested in the course of investigation as also by a person who is convicted and his appeal is pending before the higher court and bail is sought during the pendency of the appeal.”

9. Similar observations have been made by us in a recent judgment in State v. Anil Sharma [(1997) 7 SCC 187 : 1997 SCC (Cri) 1039 : JT (1997) 7 SC 651] : (SCC pp. 189-90, para 8)

“The consideration which should weigh with the Court while dealing with a request for anticipatory bail need not be the same as for an application to release on bail after arrest.”

xxxx

xxxx

xxxx

12. We are strongly of the opinion that this is not a case for exercising the discretion under Section 438 in favour of granting anticipatory bail to the respondents. It is disquieting that implications of arming the respondents, when they are pitted against this sort of allegations involving well-orchestrated conspiracy, with a pre-arrest bail order, though subject to some conditions, have not been taken into account by the learned Single Judge. We have absolutely no doubt that if the respondents are equipped with such an order before they are interrogated by the police it would greatly harm the investigation and would impede the prospects of unearthing all the ramifications involved in the conspiracy. Public interest also would suffer as a consequence. Having apprised himself of the nature and seriousness of the criminal conspiracy and the adverse impact of it on “the career of millions of students”, learned Single Judge should not have persuaded himself to exercise the discretion which Parliament had very thoughtfully conferred on the Sessions Judges and the High Courts through Section 438 of the Code, by favouring the respondents with such a pre-

arrest bail order.”

10. It is settled law that the custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of the BNSS [*State v. Anil Sharma : (1997) 7 SCC 187*]. Granting anticipatory bail to the applicant would undoubtedly impede further investigation. An order of bail cannot be granted in a routine manner so as to allow the applicant to use the same as a shield.

11. In the present case, the allegations relate to a fraud involving forgery, impersonation, digital manipulation thereby causing financial loss of a sum of ₹1,75,00,000/- to the complainant. The investigation conducted thus far reveals that a SIM card was instrumental in facilitating communications with the complainant, and upon an analysis of the location of the SIM card, it transpired that the SIM card was with the applicant during the commission of the offence.

12. It is pertinent to note that the present case pertains to serious allegations of digital frauds where complex technological mechanisms were employed to defraud gullible victims. Such cases, by their very nature, involve intricate methods and multiple communication devices and are used to mislead unsuspecting victims.

13. Such crimes are on the rise and the same tend to be significantly harder to crack due to the boon of technology that is effectively misused by crooks to wreak havoc and evade the law enforcement. The task of the Investigating Agency seems arduous and they need to be given a fair play in the joints to

investigate the matter in the manner they deem appropriate. The matter requires thorough investigation which ought not to be curtailed by passing an order granting pre-arrest bail.

14. Considering the allegations against the applicant, it cannot be held at this stage that the investigation is being carried out with the intention to injure or humiliate the applicant. *Prima facie*, the facts do not indicate false implication of the applicant.

15. The present application is accordingly dismissed.

16. It is clarified that any observations made in the present order are only for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

AMIT MAHAJAN, J

SEPTEMBER 25, 2025
“SK”