2026:DHC:3358

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

% Judgment reserved on: 17.04.2026
Judgment delivered on: 22.04.2026

\+ BAIL APPLN. 40/2026 & CRL.M.A. 6689/2026 & CRL.M.A. 6704/2026

ASHOK KUMAR .....Petitioner

versus

STATE OF NCT OF DELHI .....Respondent

\+ BAIL APPLN. 133/2026 & CRL.M.A. 5173/2026 & CRL.M.A. 6695/2026 & CRL.M.(BAIL) 355/2026

MOHIT .....Petitioner

versus

STATE OF NCT DELHI .....Respondent

\+ BAIL APPLN. 226/2026

VIPUL RANA .....Petitioner

versus

STATE GOVT OF NCT DELHI .....Respondent

\+ BAIL APPLN. 243/2026

HIMANSHU SINGH .....Petitioner

versus

STATE GOVT OF NCT DELHI .....Respondent

Memo of Appearance

For the Petitioner: Mr. Mohit Chaudhary, Mr. Kunal Sachdeva and Mr. Lakshay Yadav, Advocates in BAIL APPLN. 40/2026
Mr. Arjun Singh Bhati and Ms. Sajal Sinha, Advocates in BAIL APPLN. 133/2026
Mr. Dhruv Sharma, Mr. Puneet B. and Mr. Shivam Verma, Advocates in BAIL APPLN. 226/2026 & BAIL APPLN. 243/2026

For the Respondent: Mr. Anupam S.Sharrma, Mr. Abhiyant Singh, Mr. Vashisht Rao and Ms. Amisha P. Dash, Advocates. Mr. Nupur Sharma, Mr. Manan P., Ms. Apurva Gaur, Mr. Mohit Kumar Bansal and Ms. Priya Tripathi, Advocates for complainant.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

MANOJ JAIN, J

1. Sh. Naresh Malhotra, a senior citizen in his late seventies, is, yet another, victim of *'digital arrest'*.

2. On 01.08.2025, he received a call on his landline from some unknown fraudsters who impersonated as Airtel officials. They told him that his *Aadhaar credentials* had been used for opening a fraudulent bank account in Mumbai and threatened to suspend his telecom and internet services, unless he consented to being connected with "Mumbai Police".

3. Believing the call to be a genuine one, he agreed, and then he was instructed to shift to a *WhatsApp video call* and to isolate himself in a room. During video call, the fraudsters introduced themselves as CBI officials and told him that he was involved in a Rs.1,300/- crore bank fraud. He was confronted with *arrest-warrant* and apprised that he was involved in terror-funding. He was subjected to continuous psychological coercion, including threats, intimidation, isolation and fear of a fabricated national-level scandal and was compelled to make multiple transfers to numerous accounts. These transfers made between 04.08.2025 to 04.09.2025 were, as alleged, totally, involuntary in nature, done under sustained duress and coercion.

4. The total transferred amount is Rs. 22.92 crores.

5. The abovesaid amount landed in various banks, including *IndusInd Bank* where a sum of Rs.1.90 crores was credited on 28.08.2025, and was also withdrawn same day.

6. The abovesaid incident of cyber fraud and digital arrest was reported to the police by Mr. Malhotra on 19.09.2025, which resulted in registration of FIR No.85/2025 by PS Special Cell, Delhi for offences under Section 308/318(4)/319/340 of *Bharatiya Nayaya Sanhita*, 2023 (corresponding Sections 383-389/420/416/419/470/471 IPC)

7. Presently, we are concerned with the abovesaid *IndusInd Bank* account where complainant Mr. Malhotra was made to transfer Rs. 1.90 crores, in two tranches.

8. During investigation, the abovesaid account was found in the name of *M/s Hyrocial Facility Management Private Limited*. There are two Directors in the abovesaid Company i.e. *Mohit (applicant in BAIL APPLN. 133/2026)* and one Rinku. The mobile number linked with the abovesaid bank account was found issued in the name of applicant Mohit.

9. Mohit was issued notice under Section 35(3) of *Bharatiya Nagarik Suraksha Sanhita, 2023* to join investigation and he, during investigation, disclosed the name of accused *Ashok Kumar (applicant in BAIL APPLN. 40/2026)* and divulged that Ashok Kumar had taken his account details, mobile number and was responsible for the fraudulent transactions in question. Accused Mohit led the police party to Ashok Kumar and both of them i.e. Mohit and Ashok Kumar were arrested on 24.09.2025. They both, however, also admitted that they had stayed together with other accused persons at the time of alleged fraudulent transactions in the abovesaid bank account.

10. During interrogation, the mobile device of accused Ashok Kumar was scrutinized which revealed WhatsApp chats between him and Mohit and also one Samreet Singh.

11. Samreet was also arrested and during his police custody remand, one more accused i.e. Amit Kumar @ Bobby was arrested. He was alleged to be the person who had obtained account details and SIM linked with *IndusInd Bank* from Samreet and provided those to accused *Vipul Rana (applicant in BAIL APPLN. 226/2026)*. Police also suspected involvement of one Rohit and it raided the addresses of Rohit and Vipul Rana but they both were not available and had absconded.

12. During police custody remand, accused Mohit, Ashok and Samreet identified photograph of *Himanshu Singh (applicant in BAIL APPLN. 243/2026)* and claimed that they all had stayed together in a Hotel in Greater Noida, UP at the time of alleged offences and transactions. Accused Samreet also disclosed that Himanshu Singh was the one *who had added beneficiaries in the aforesaid account of IndusInd Bank wherein Rs. 1.90 crores had been received and thereafter siphoned off*. Accused Amit @ Bobby also disclosed that at instructions of accused Himanshu, he had deleted the WhatsApp chats between him and Himanshu, Nitin and Vipul Rana.

13. It will be worthwhile to mention herein that as per the investigation, there is another credit of Rs. 3.21 crores in the aforesaid bank account of *IndusInd Bank*, cheated from other innocent and gullible victims.

14. *Presently, we are concerned with regular bail applications of applicant Ashok Kumar and Mohit who were arrested on 24.09.2025 and*

also with the applications of applicants Vipul Rana and Himanshu who seek anticipatory bail.

15. As far as accused Samreet is concerned, he was arrested on 26.09.2025 but has yet not filed any application before this Court. Accused Amit Kumar @ Bobby has though been arrested but has been released on bail and as per complainant, they are already in the process of filing petition seeking cancellation of such bail.

16. Mr. Arjun Singh Bhati, learned counsel for applicant Mohit submits that applicant has no criminal antecedents and his period of incarceration is six months and investigation *qua* him is over as charge-sheet has already been filed on 21.11.2025. According to him, his role is merely peripheral in nature and the solitary allegation against him is to the effect that his bank account was used as a conduit by the actual perpetrator of the crime. He submits that offences alleged against him are triable by Magistrate and invite maximum sentence of 07 years and no useful purpose would be served by keeping him behind the bars, particularly when investigation *qua* him is over. He submits that he never evaded investigation and immediately, on receipt of notice under Section 35 (3) BNSS, joined the investigation. Relying on *Sanjay Chandra v. Central Bureau of Investigation:* (2012) 1 SCC 40, *P. Chidambaram v. Directorate of Enforcement:* (2020) 13 SCC 791 and *Manish Sisodia v. Directorate of Enforcement:* (2024) 12 SCC 660, it is contended that bail cannot be denied merely on the basis of gravity of the offence.

17. It is also argued that there is no absolute bar on bail in cases of economic offences and, moreover, there is nothing to indicate that applicant is a flight risk or likely to tamper with the evidence or hamper with the

investigation and, therefore, bail should not be withheld as a punishment. Reliance in this regard has been placed upon *Gurbaksh Singh Sibbia and Ors. v. State of Punjab: (1980) 2 SCC 565.*

18. While acknowledging the enormity and seriousness of the offences in questions, learned counsel for applicant Mohit submits that the individual role of the applicant needs to be appreciated as he is not the main perpetrator and even as per the case of prosecution, the main perpetrators and beneficiaries are somewhere abroad and at large. Merely because some other accused are yet to be arrested would not mean that applicant becomes disentitled to be released on bail. Reference in this regard has been made to *Munshi Sah v. State of Bihar and Anr.:* 2023 SCC OnLine SC 1916.

19. It is argued that applicant is not the beneficiary and his only mistake was that he shared his login credentials with his co-accused. It is submitted that he is sole bread earner of his family and his family is struggling to pay school fee of his minor children and it is in the aforesaid backdrop, he prays for bail.

20. Sh. Mohit Chaudhary, learned counsel for accused Ashok Kumar contends that applicant has no complicity or involvement in the matter and even the bank account in question does not belong to him. He submits that he is 10th fail and comes from a humble farming background and seems to have been exploited by others. It is argued that he is neither a beneficiary nor recipient of the alleged cheated amount and there is no *mens rea* and *actus reus* against him rather he has been, in a very systematic and calculated manner, fooled and lured into a trap. According to him, the applicant had no knowledge either about the transfer of amount of Rs.1.90 crores into *M/s Hyrocial Facility Management Private Limited* account and

nor had any knowledge that the abovesaid amount would be, later on, siphoned off or transferred. He contends that at the time when the complainant was put under digital arrest, Ashok was nowhere in the picture. It is also argued that the investigation *qua* him is already over and charge-sheet has been filed and, therefore, no purpose is going to be served by keeping him behind the bars as a pre-trial punishment which, in the abovesaid factual backdrop of the case, would amount to travesty of justice. It is argued that the family of the applicant is dependent upon him. Moreover, the wife of the applicant is suffering from paralysis and there is no one else to look after their two young kids. He reiterates that there is no culpability on the part of the accused Ashok Kumar and he was rather cheated by his co-accused Samreet, who was the person who had taken control of the bank account in question. He also relies upon the aforesaid precedents, cited by Sh. Bhati, learned counsel for applicant Mohit.

21. Sh. Dhruv Sharma, learned counsel represents accused Vipul Rana and Himanshu and, according to him, there is no incriminating material against either of them and the investigating agency is after them, merely on the basis of the disclosure statement made by their co-accused Amit @ Bobby, who is already on bail. He contends that as far as accused Vipul Rana is concerned, he was earlier enlarged on interim anticipatory bail by the learned Sessions Court and he joined investigation from time to time and there was no reason for dismissal of his such application on 10.12.2025. He also contends that there is no incriminating material against Himanshu and did not even know any of his co-accused. He submits that his role is being suspected on the basis of some CCTV footage at Hotel Grand Blue, Greater Noida, UP in which he is shown in the abovesaid hotel along with his co-

accused Mohit, Ashok, Samreet, Amit @ Bobby, Vipul, Nitish and Dhruv. He states that as per the prosecution story, the visitor register of the abovesaid hotel does not contain his name. He submits that Himanshu had also been given interim relief by the learned Court of Sessions and he joined investigation and since his custodial interrogation is not required and since he has already assisted the investigating agency, he deserves to be released on anticipatory bail. He relies upon *Vinay Kumar Gupta Vs. State of M.P.* (Order dated 16.02.2026 passed in SLP (CRL)No. 220215/2025) and *Shally Mahant @ Sandeep Vs. State of Punjab* (Order dated 09.02.2026 passed in SLP (CRL) 20/2026).

22. All such contentions have been refuted by Sh. Anupam S. Sharrma, learned Special Prosecutor for CBI as well as Ms. Nupur Sharma, learned counsel for the complainant.

23. According to them, the case is of enormous magnitude where an elderly person has been duped of his lifetime savings of more than Rs.22 crores. They submit that though charge-sheet has been filed *qua* some of the accused, the larger conspiracy is yet to be unearthed and there is no recovery of the cheated amount. It is argued that the cheated amount was transferred to various banks i.e. ICICI Bank, Yes Bank, City Union Bank, Axis Bank and IndusInd Bank. They contend that it is only in terms of a larger conspiracy that the amount was got transferred to mule accounts, including the one in question of IndusInd Bank and after the complainant transferred a sum of Rs.1.90 crores in the abovesaid bank, same day the entire such amount was siphoned off. It is contended that the transfer was not possible without the active participation and connivance of all these applicants. It is argued that they cannot seek exoneration by claiming that they were lured in

or they were not aware about the magnitude and severity of the matter. It is argued that they all had stayed together in a hotel at the time of alleged transaction and now they are somehow trying to pass on the buck to one another and since there is sufficient incriminating material on record against them, merely because charge-sheet *qua* few of them has been filed would not mean that they become entitled to be released on bail, particularly, when the investigation *qua* others is still going on.

24. They also make reference to *Suo Moto Writ Petition (Crl.) 3/2025 In RE: VICTIMS OF DIGITAL ARREST RELATED TO FORGED DOCUMENTS* and submit that Hon'ble Supreme Court took *suo moto* cognizance with respect to such type of offences committed through *digital arrest*. It is contended that when the abovesaid writ petition was taken up by Hon'ble Supreme Court on 17.10.2025, taking judicial note of the fact that there were many such like occurrences in different parts of the country where senior citizens were duped and cheated by putting them under digital arrest, notice was issued to Union of India, CBI and others and when the abovesaid petition was further taken up by the Hon'ble Supreme Court on 01.12.2025, Hon'ble Supreme Court, in no uncertain words, directed that *CBI would be the primary agency to investigate cases reporting digital arrest scams*. They contend that though the abovesaid directions were passed while taking up one another matter in which also a senior citizen couple had been cheated, Hon'ble Supreme Court, *vide* order dated 17.11.2025, directed that the suspect in said case, who had already been arrested, would not be released on bail by any Court till the investigation was taken to its logical conclusion, *albeit*, they would be at liberty to approach them (Hon'ble Supreme Court) for appropriate directions. They

submit that the message is loud and clear and in such type of cases of digital arrest where senior citizens are duped, bail is proscribed.

25. Learned counsel(s) for the applicant/accused, however, submit that the abovesaid direction was specific to the abovesaid case only and cannot be taken as a precedent or an absolute bar on grant of bail in such type of matters and in this regard, they seek to rely upon *State of Assam v. Barak Upatyaka D.U. Karmachari Sanstha, (2009) 5 SCC 694 and Secundrabad Club Etc. versus C.I.T.-V Etc. (2024) 18 SCC 310.*

26. I have given anxious consideration to the rival contentions and carefully perused the allegations against the applicants.

27. There cannot be any qualm with respect to the precedents cited at the Bar. However, these precedents cannot be applied mechanically and have to be appreciated in the factual backdrop of a given case, as a slight change in facts can twist the entire complexion of the case. The Court is also cognizant of the fact the case in hand pertains to digital arrest and these matters have to be dealt with extra sensitivity and different approach as these offences not only erode the public trust and confidence but impact the entire Society.

28. Such type of incidents, where taking undue advantage of the susceptible nature of senior citizens they are coerced and duped through digital arrest, are on the rise. Hon'ble Supreme Court, while taking *suo moto cognizance*, observed that there can indeed be no manner of doubt that every type of cybercrime resulting in victim deception, especially involving senior citizens, required specialised investigation. It supplemented that digital arrest scams clearly demanded the urgent attention of the country's leading investigative agencies and accordingly, Central Bureau of Investigation (CBI) was directed to be the primary agency to investigate cases reporting

digital arrest scams. It was also given free hand to investigate, including into the role of bankers and the opening of mule accounts, and to undertake coordinated action on a pan-India basis.

29. CBI has entered into the scene, very recently.

30. Though the chargesheet *qua* some of the accused has been filed, but investigation is still underway. The cheated money is yet to be recovered and applicant Mohit cannot seek bail, merely for the reason that chargesheet has been filed. He cannot claim that he was trapped and that he, too, was a victim. He seems to have shared his login credentials, while being mindful about the consequences thereof, even if he expected handsome commission *in lieu* thereof. The amount of Rs. 1.90 crores landed in his account in terms of tacit understanding only and in furtherance of conspiracy. It also moved out from his account in terms of conspiracy. Moreover, his account is in receipt of another sum of Rs. 3.21 crores which indicates that others, too, have been cheated. His account, as per chargesheet, is found involved in two other cyber-crimes. He is in touch with other accused, including Ashok Kumar. The mobile device of Ashok Kumar has whatsapp chats with Mohit and indicates that they were working in tandem and in terms of conspiracy, Mohit had shared login credentials with Ashok. Accused Samreet, the alleged account aggregator, got these confidential details from Ashok Kumar. His mobile phone was seized and the whatsapp chats show that he was in touch with Ashok Kumar, Amit Kumar @ Bobby and Vipul Rana.

31. Accused Vipul Rana also tried to mislead the police by claiming that he remained in Delhi at the relevant time. However, as per CCTV footage and his CDR, he was present with his co-accused at Hotel in Noida at the relevant time. Vipul Rana claimed that he had only two mobile numbers and

gave numbers of such mobile phones but his co-accused Samreet revealed his another number. His custodial interrogation would, thus, be imperative to reach the truth and to unveil the conspiracy. Similarly, accused Himanshu needs to be interrogated thoroughly as his presence at the Hotel at the relevant time stands established but he has yet not provided his mobile device. Digital evidence is fragile by nature and can be easily manipulated and destructed and, therefore, custody of Vipul Rana and Himanshu looks indispensable. Moreover, in *State (Represented by CBI) v. Anil Sharma:(1997)7 SCC 187*, Hon'ble Supreme Court found force in the submission of CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order and well-protected and insulted by a pre-arrest bail and, therefore, such person can afford to elude investigating agency.

32. The offence in question is an organized crime, having massive societal impact.

33. Every player, participating in a scam related to digital arrest, plays pivotal role, in one way or the other.

34. Of course, at times, the court may be tempted to adjudge individual role but in a case of present nature, where the *modus operandi* is complex and complicated and other conspirators are yet to be arrested and the cheated money is yet to be recovered, the exact picture would emerge during further investigation and trial only. At this stage, the applicants cannot be dubbed as victims or minor players or mere holders or providers of mule accounts. Their roles cannot be characterized as mere peripheral. They seem to be important cogs of the conspirational wheel. The wheel would not have moved, without their involvement. Any compassion to the applicants, at this

stage, may hamper the ongoing investigation, which has been recently taken over by CBI.

35. In view of the above, this Court does not find any merit or substance in any of the applications. Applicant Ashok Kumar and Mohit do not deserve to be enlarged on regular bail, at this initial juncture. Applicant Vipul Rana and Himanshu Singh have also not been able to disclose any ground which may compel this Court to release them on anticipatory bail.

36. All the four bail applications are accordingly dismissed.

37. Needless to emphasize, the observations made hereinabove are tentative in nature and these may not be taken as final expression on merits of the case.

(MANOJ JAIN)
JUDGE

APRIL 22, 2026/*dr/st/pb*