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

% ***Date of Decision: 24.09.2026***

\# **CNR No.DLHC010274812026**

\+ **BAIL APPLN. 2399/2026 & Crl.M.A.18687/2026**

SHADAB .....Petitioner

Through: Mr. Jatin Kumar, Ms. Pallavi Pawas Kumar, Mr. Jitesh Kumar and Mr. Manish Kumar, Advocates.

versus

STATE OF NCT OF DELHI .....Respondent

Through: Ms. Priyanka Dalal, APP for the State.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (*Oral.*)

1. The present bail application has been filed on behalf of the applicant/accused, namely Shadab. The applicant/petitioner is an accused in FIR No.47/2025 under Sections 318(4)/319(2)/340/61(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ("*BNS*"), registered at PS Special Cell, Delhi.

2. Respective counsel for the parties have been heard at some length.

3. It is the case of the prosecution that the complainant was induced between June and July, 2025 to invest about Rs. 2.36 Crores, purportedly for trading in IPOs. Thereafter, the money was first disbursed into thirteen different first-layer accounts across several states. The details thereof have been set out in the Status Report dated 15.07.2026, filed on behalf of the State.

4. One of the account numbers is of the applicant/accused, being account no. 101412250155 in Shivalik Small Finance Bank, Rampur, Maniharan. The said account which received an amount of Rs. 24,93,500/- between 22.06.2025 and 24.06.2025.

5. From the said account, the money was moved on to some second-layer accounts. During the course of investigation, the applicant/ accused disclosed that he ran an egg stall (rehri)/shop in Dehradun and had opened the account for that business. Being in need of the loan to expand his business, he met with one Malik and his associate Sahil in Saharanpur. They assured the applicant/accused that they would get his loan sanctioned by asserting that they had good liaison with the bank officials. Consequently, at their insistence, the applicant came to Delhi and handed over his bank credentials, bank kit, and the SIM card linked to the account. Thereafter, when no loan was sanctioned, Malik told him that he could earn money by letting his account be used for gaming and trading transactions on commission, until the loan is sanctioned.

6. As per the Status Report dated 15.07.2026 filed on behalf of the State, co-accused Malik and Sahil have not been traced. The mobile/phone numbers they used are switched off and are registered in the name of other persons. It is also stated in the Status Report that efforts were made to trace both the co-accused, but to no avail. Even in the Customer Application Forms (CAFs), the said mobile numbers of the co-accused were found to be registered in the name of other persons.

7. The applicant has been in judicial custody since 06.10.2025, and the chargesheet was filed on 04.12.2025. The charges under Sections 318(4)/319(2)/340/61(2)/3(5) of the BNS were framed on 02.04.2026 by

learned by Sh. Mridul Gupta, Ld. CJM, Patiala House Courts, New Delhi. The case is at the stage of prosecution's evidence.

8. It is noticed that the applicant's first bail application was dismissed by the Ld. District Judge-01, Patiala House Courts, New Delhi on 27.12.2025. Thereafter, a bail application (Bail Appl. No. 478/2026) came to be filed in this Court, and the same was withdrawn by the applicant on 03.02.2026, with liberty to file the application afresh once charges are ascertained.

9. Subsequently, the second application, filed before the Ld. ASJ-05, Patiala House Courts, New Delhi, was dismissed on 09.04.2026, *inter alia*, on the ground that there was no substantial change in the circumstances and that the co-accused persons were absconding.

10. Learned counsel for the complainant submits that the present application is a successive bail application on the same grounds. He further submits that the continuing custody of the petitioner is required to trace the absconding accused persons.

11. On behalf of the applicant/accused, it is emphasised that he is a poor egg stall (rehri) vendor, who was duped by Malik and Sahil into parting his bank account details on the promise of a loan. It is further submitted by the applicant/accused that he neither devised nor benefitted from the fraud. It is also submitted that since the investigation is complete and the charges have been framed, no purpose would be served by keeping the applicant/accused in custody.

12. Learned counsel for the State opposes the bail application on the grounds that the instant application ought not to be entertained, as there has been no change in the circumstances after the dismissal of the previous bail application by the Ld. ASJ-05, Patiala House Courts, New Delhi, on

09.04.2026. It is further submitted that there are 21 complaints on the National Crime Records Bureau (NCRB) Portal, and all of them involve the same bank account, *i.e.*, 101412250155, of the applicant.

13. It is noticed that *vide* order dated 21.07.2026, a Status Report was called for with respect to the background of the applicant, inasmuch as it is the vehement assertion of the applicant that he is only a simple Egg Vendor, and has been implicated in this and also in other cases.

ANALYSIS

14. A perusal of the Background/Status Report called for *vide* order dated 12.07.2026 confirms the accused's/applicant's account of himself. The said Status Report dated 15.09.2026 reveals that the inquiry conducted at the village of the accused, through the local Municipal Councillor, found that the applicant runs an egg stall (*rehdi*) in Dehradun, Uttarakhand. It is further revealed that neither the applicant nor the family members own any agricultural land. The applicant has three brothers and one sister. Since the applicant's elder brother lives separately with his wife and his father passed away several years ago, the applicant has to take care of the family as well as his ailing mother. It was found during the enquiry that the applicant's mother has been suffering from illness for a long time.

15. It is expressly stated in the Status Report dated 15.09.2026 that the applicant belongs to a 'financially weaker family'. The relevant portion of the Status Report is extracted hereinbelow:

4. During the enquiry conducted through the Municipal Councillor (**Sabhasad, Ward No. 22, Municipal Council, Gangoh, Saharanpur, Uttar Pradesh**), it was found that the applicant used to run an egg stall (rehri) in Dehradun, Uttarakhand. It was further revealed that neither the applicant nor his family owns any agricultural land. The applicant has three brothers and one sister. His elder brother lives separately with his wife, while the applicant takes care of his family as well as his ailing mother, as his father passed away several years ago. It was also found that the applicant's mother has been suffering from illness for a long time. Thus, the enquiry revealed that the applicant belongs to a **financially weaker family**.

16. It is further the State's own case that the applicant let his account to be used for transactions which were not his own, for a commission. This is an aspect which will necessarily be gone into at the time of trial. However, in the above background, the question that is required to be considered is whether the continued detention of the applicant is necessary.

17. In this regard, what weighs with the Court is the fact that, it is the State's own case, that the fraud was devised and operated by other accused persons, who are still untraced. The applicant has not received or partaken of the proceeds that came into the first layer account (which was in the petitioner's name). Admittedly, the money went to second-layer account/s. The investigation *qua* the petitioner is complete. Further, inherently, the entire evidence is documentary in nature, *viz*. KYC, the account statements, and the transaction trail. Charges have already been framed, and the trial has begun.

18. Concededly, also, the offences are triable by the Magistrate and carry a sentence of a maximum of 7 years' imprisonment. The petitioner has

already been in custody for almost one year.

19. In the circumstances, this Court is inclined to grant Bail to the applicant. The same shall, however, be subject to appropriate conditions to ensure that the bail is not misused.

20. Accordingly, the applicant/petitioner is admitted to regular bail on furnishing a bail bond in the sum of Rs. 50,000/-, with two sureties of the like amount to the satisfaction of the Trial Court, subject to the following conditions:

i. The applicant/accused shall not leave NCT of Delhi or travel out of the country without prior permission of the Trial Court;

ii. The applicant/accused shall provide his permanent address to the Trial Court, and also the address where he will be residing during the pendency of the case;

iii. The applicant/accused shall intimate the Investigating Officer (IO) and file an affidavit before the Trial Court regarding any change in his residential address;

iv. The applicant/accused shall furnish his mobile number to the Investigating Officer (IO)/Station House Officer (SHO) concerned, which shall be kept in working condition at all times. The mobile number shall be kept switched on, with location services enabled at all times, and the same shall be shared with the IO. The mobile number shall not be changed without prior intimation to the IO during the pendency of the trial;

v. The applicant/accused shall report to the IO as and when called for by the IO.

vi. The applicant/accused shall not directly or indirectly contact the complainant and his family members;

vii. The applicant/accused shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case, or tamper with the evidence of the case, in any manner whatsoever;

viii. The applicant/accused shall appear before the Trial Court on each and every date of hearing;

ix. The applicant/accused shall not indulge in any criminal activity during the period of bail; and

x. The applicant/accused shall report to the concerned SHO, on the first Monday of every month at 11:00 a.m. and be discharged by 12:00 noon, after recording his presence and completion of the necessary formalities.

21. The application is disposed of in the above terms. Pending application also stands disposed of.

22. The Trial Court is requested to expedite the trial proceedings.

23. It is clarified that the observations made herein are solely for the purpose of deciding the present bail application and shall neither influence the trial proceedings nor be construed as an expression of opinion of this Court on the merits of the case.

24. Let a copy of this order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.

SACHIN DATTA, J

SEPTEMBER 24, 2026/*at/vk*