$~81

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

% ***Date of Decision: 17th November, 2026***

\# **CNR No. DLHC010546392026**

\+ BAIL APPLN. 4870/2026 & CRL.M.A. 35458/2026

SACHIN KUMAR DAS .....Petitioner

Through: Mr. Satyam Srivastva with
Mr. Sushant Tripathi, Advocates.
(M): 7503326343
Email:
advsupremecourt5604@gmail.com

versus

STATE (GOVT OF NCT OF DELHI) .....Respondent

Through: Mr. Manoj Pant, APP for the State.
(M): 9971560508
IO/HC Rohit with SI Nakul, PS Cyber NWD.

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. *(Oral):*

This Matter is taken up today as 16th November, 2026 was declared as a Holiday on account of "Chhath Puja".

1. The present is the second application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), seeking grant of anticipatory bail to the petitioner, i.e., Sachin Kumar Das, S/o Shambhu Das, in connection with the First Information Report ("FIR"), being *FIR No. 65/2026,* dated 17th February, 2026, registered at Police Station ("PS") Cyber,

Signature Not Verified
Digitally Signed
By:HARIOM SHARMA
Signing Date:22.11.2026
13:59:18

North West, Delhi, under Sections 318(4)/340 of the Bharatiya Nyaya Sanhita, 2023 ("BNS").

2. This Court is informed that the first application, being *BAIL APPLN. 3986/2026,* seeking grant of anticipatory bail to the petitioner herein, was dismissed as withdrawn *vide* order dated 25th September, 2026, passed by this Court.

3. The relevant facts for the adjudication of the present application, culled out from the documents on record, are as follows:

3.1. The present FIR came to be registered pursuant to a cybercrime complaint made by Anil Kumar, i.e., the complainant, *vide* Acknowledgement No. *30802260012077*, wherein, he has stated that he has been a victim of financial fraud, and has been cheated of Rs. 4,00,020/- (Rupees Four Lacs and Twenty only).

3.2. The complainant alleged that the aforesaid amount had been debited from his bank account maintained with Axis Bank, in 08 (eight) transactions, during the period from 12th February, 2026 to 17th February, 2026.

3.3. During investigation, it came to fore that the cheated amount was transferred to multiple accounts, and Rs. 50,000/- (Rupees Fifty Thousand only), was found to have been credited to the account of the petitioner herein.

4. The case of the prosecution, as emerging from the Status Report dated 23rd September, 2026, filed on behalf of the State before this Court in *BAIL APPLN 3896/2026,* is as follows:

4.1. During the course of investigation, it came to the fore that the cheated amount was transferred to multiple accounts, and Rs. 50,000/- (Rupees Fifty Thousand only) was credited to the account of the petitioner.

4.2. It also came to the fore that the petitioner's account has been receiving

Signature Not Verified
Digitally Signed
By:HARIOM SHARMA
Signing Date:22.11.2026
13:59:18

substantial funds from different accounts, and the said funds were immediately withdrawn and transferred to other accounts, which is a pattern indicative of fraudulent activity relating to cheated money.

4.3. The bank account of the petitioner has also been found to be involved in 02 (two) other cybercrime complaints registered *vide* Acknowledgement Nos. *31902260025349* and *31902260036528*, in Maharashtra, wherein, the same *modus operandi* has been found.

4.4. During the course of investigation, the petitioner was twice served with notice under Section 35(3) of the BNSS, to join the investigation, however, he failed to do the same, and deliberately evaded arrest.

4.5. The present case pertains to organized and systematic cyber fraud involving layered money transfers having wide ramifications. Therefore, custodial interrogation of the petitioner is required to unearth the entire conspiracy.

4.6. The petitioner has played an active role by receiving the cheated amount in his bank account and further liquidating the same through another account, knowingly.

5. Learned counsel appearing for the petitioner submits that on 13th February, 2026, the petitioner received a phone call from one Goutam, who informed the petitioner that he had inadvertently transferred an amount of Rs. 50,000/- (Rupees Fifty Thousand only), to the account of the petitioner, and requested the petitioner to transfer it back to him.

6. He further submits that the petitioner, after verifying the veracity of the statement of Goutam, transferred the said amount, at the instance of Goutam, to the UPI ID belonging to one Abajeet Kumar.

7. He draws the attention of this Court to the petitioner's bank statement

Signature Not Verified
Digitally Signed
By:HARIOM SHARMA
Signing Date:22.11.2026
13:59:18

pertaining to the period from 30th September, 2025 to 30th September, 2026, i.e., *Annexure A6,* to submit that the petitioner received only Rs. 50,000/- (Rupees Fifty Thousand only), which he transferred on the same date itself.

8. He further submits that the petitioner is ready to deposit the said amount of Rs. 50,000/- (Rupees Fifty Thousand only).

9. Learned counsel appearing for the petitioner further submits that the petitioner is an innocent person and a B.A. LL.B. student, with no criminal antecedents.

10. He submits that the petitioner had opened the account in question since he used to earn money by playing games on online gaming platforms.

11. He further submits that the main accused, i.e., Abajeet Kumar, has already been enlarged on regular bail by the Trial Court *vide* order dated 20th July, 2026, in *Bail Matter 1589/2026*.

12. *Per contra*, the learned Additional Public Prosecutor ("APP") for the State draws the attention of this Court to the order dated 10th July, 2026 passed by the Trial Court in *Bail Registration No. 1159/2026,* wherein, the statement of the petitioner herein has been recorded that the he had given his bank account on rent to some person for pecuniary benefits.

13. Learned APP for the State further submits that the earlier application seeking anticipatory bail was dismissed earlier as withdrawn *vide* order dated 25th September, 2026, passed by this Court, and no liberty was granted to the petitioner to file a fresh application seeking anticipatory bail.

14. He further submits that there has been no change in circumstances.

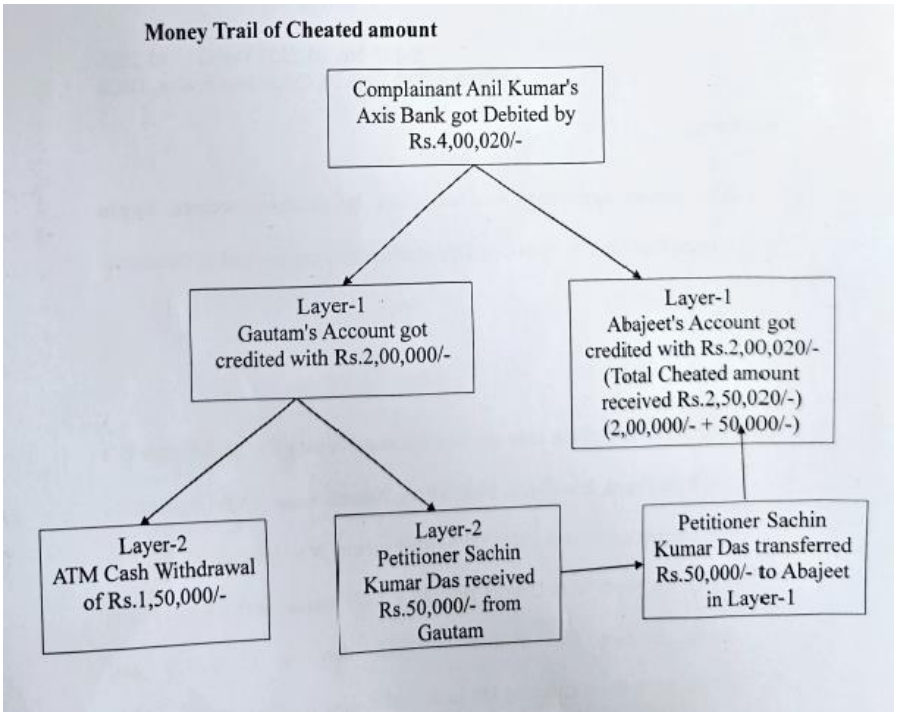
15. Having heard the learned counsels appearing for the parties, this Court notes that there is a clear admission by the petitioner that the petitioner had rented his bank account for the purposes of receipt of money.

Signature Not Verified
Digitally Signed
By:HARIOM SHARMA
Signing Date:22.11.2026
13:59:18

16. Further, the bank statement of the petitioner's account, which is on record, clearly shows that the petitioner had received a sum of Rs. 50,000/- ("Rupees Fifty Thousand only"), which was transferred on the same day. This amount is stated to be a part of the multiple transactions whereby a total sum of Rs. 4,00,020/- ("Rupees Four Lacs and Twenty only") was cheated.

17. This Court takes note of the money trail of the cheated amount, as placed before this Court in the aforesaid Status Report, which is reproduced as under:

"xxx xxx xxx



xxx xxx xxx"

18. Thus, the cheated amount is clearly traceable to the petitioner's bank account.

19. This Court also takes note of the submission that the bank account of the petitioner has been found to be involved in 02 (two) other cybercrime complaints registered in Maharashtra, wherein, the same *modus operandi* of

Signature Not Verified
Digitally Signed
By:HARIOM SHARMA
Signing Date:22.11.2026
13:59:18

receiving fraudulent amounts in two layers was observed.

20. It is also to be noted that notice under Section 35(3) of the BNSS was served upon the petitioner twice to join the investigation. However, he failed to join the investigation despite service of notice on multiple occasions.

21. The present case pertains to organized and systematic cyber fraud involving layered money transfer, having wide ramifications.

22. Furthermore, it is seen that the petitioner has played a role by receiving the cheated amount in his bank account and further transferring the same, mainly to another account or by way of cash withdrawal.

23. With regard to anticipatory bail, reference may fruitfully be made to the decision of the Supreme Court in the case of ***Srikant Upadhyay and Others Versus State of Bihar and Another, (2024) 12 SCC 382***, wherein, it has been held that the power to grant anticipatory is an extraordinary power, which has to be exercised with caution, as the grant of protection may hamper the investigation and may lead to tampering or destruction of the evidence. The relevant portion of the said judgement reads as under:

> *"xxx xxx xxx*
>
> ***30. We have already held that the power to grant anticipatory bail is an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule.*** *It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the court depending on the facts and circumstances of each case.* ***While called upon to exercise the said power, the court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence.*** *We shall not be understood to have held that the court shall not pass an interim protection pending consideration of such application*

Signature Not Verified
Digitally Signed
By:HARIOM SHARMA
Signing Date:22.11.2026
13:59:18

> *as the section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously defying orders and keeps absconding is not entitled to such grant. xxx xxx xxx"*
>
> *(Emphasis Supplied)*

24. In view thereof, this Court is of the view that the grant of anticipatory bail to the petitioner, at this stage, may hamper the investigation.

25. Accordingly, in view of the nature of the fraudulent activity, the custodial interrogation of the petitioner may be required.

26. Thus, no case is made out for grant of anticipatory bail to the petitioner.

27. Accordingly, the present petition is dismissed.

28. The pending application also stands disposed of.

MINI PUSHKARNA, J

NOVEMBER 17, 2026
c

Signature Not Verified
Digitally Signed
By:HARIOM SHARMA
Signing Date:22.11.2026
13:59:18