



2026:DHC:1979



\$~6

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

%

*Date of Decision: 10.03.2026*

+ **BAIL APPLN. 4625/2025**

JAGDISH KISHORE

.....Petitioner

Through: Mr. Irfan Ahmad, Advocate

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State  
with SI Sunil Gaur, PS Safdarjung  
Enclave

Mr. Vikas Tomar, counsel for  
complainant *de facto*

**CORAM: JUSTICE GIRISH KATHPALIA**

**J U D G M E N T (ORAL)**

1. The accused/applicant seeks anticipatory bail in case FIR No.259/2025 of Police Station Safdarjung Enclave for offence under Section 316(4)/318(4)/344 BNS.

2. Despite last order, status report has not been filed. The IO/SI Sunil Gaur admits that the accused/applicant joined investigation in furtherance of last order, but also submits that the accused/applicant did not cooperate in the interrogation.



2026:DHC:1979



3. The decision of the State not to file status report conveys that they are not seriously interested in opposing the present anticipatory bail application.

4. I have heard learned counsel for accused/applicant as well as learned APP for State and learned counsel for complainant *de facto*.

5. Broadly speaking, the allegation against the accused/applicant is that while working as a Finance Officer with an NGO, he embezzled money by preparing fake bills/invoices/vouchers and by altering and deleting the entries from the Tally system in the computers of the NGO. It is also alleged that the accused/applicant destroyed certain documents to conceal his fraud and some of those documents were retrieved from the waste bin.

6. Learned counsel for accused/applicant submits that the money transferred into his account was on directions of the complainant *de facto* for being used in the activities of the NGO and the same was done by him.

7. Learned APP for State submits that the offence alleged against the accused/applicant being a serious one, it is not fit case to grant anticipatory bail.

7.1 However, on instructions of IO, it is also stated by learned APP for State that the IO has not collected any bills/invoices/vouchers which are alleged to be fake. It is also admitted by learned APP for State that the IO has not even seized the hard disk of the computers of the complainant *de facto* till date for forensic analysis regarding the alleged alterations done in the Tally system. It is also admitted by the IO that the complainant *de facto*



2026:DHC:1979



never delivered to him, the documents allegedly retrieved by the complainant *de facto* from waste bin of their office.

8. Learned counsel for complainant *de facto* also admits that neither any document nor the hard disks of the computers of the NGO were delivered by them to the IO for investigation.

8.1 As regards the money allegedly embezzled by the accused/applicant, it is submitted by learned counsel for complainant *de facto* that the said money was to the total tune of Rs.13,79,360/-, which was transferred to the bank account of the accused/applicant and two other persons across a period from the year 2023 to 2024. In the bank account of the accused/applicant, the amount which was transferred was Rs.6,18,459/- and that amount was transferred according to the IO, by way of multiple credit entries ranging from Rs.5,000/- to Rs.10,000/- across a number of months. But despite flipping through pages, the IO is unable to disclose specific dates or months when that amount was credited to the bank account of the accused/applicant.

8.2 At this stage, the IO makes it clear that no amount was credited in the bank account of the accused/applicant till January 2024. It is informed by the IO that the first credit entry from the complainant *de facto* to the bank account of the accused/applicant is dated 04.01.2024 for a sum of Rs.10,000/-.

9. The manner in which the case is being investigated is vital for present purposes in order to ascertain if the accused/applicant is being made scapegoat. As on date, despite the investigation being pending for about



2026:DHC:1979



eight months, there is no cogent material collected by the IO on the basis whereof the accused/applicant be denied liberty.

10. As regards submission of the IO that the accused/applicant has been joining investigation but not cooperating, the accused/applicant cannot be saddled with a duty not to be smart in responding to the questions of the interrogator. If the interrogator is not well conversed how to interrogate, the accused/applicant cannot be faulted with.

11. Considering the overall circumstances as described above, I find no reason and/or material to deprive the accused/applicant liberty.

12. The application is allowed and it is directed that in the event of his arrest, the accused/applicant shall be released on bail, subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the IO/SHO concerned.

13. It is directed that the accused/applicant shall join investigation as and when directed in writing by the IO.

**GIRISH KATHPALIA  
(JUDGE)**

**MARCH 10, 2026/as**