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

% *Date of Decision: 13.08.2026*

\# **CNR No. DLHC010130742026**

\+ **BAIL APPLN. 1283/2026 & CRL.M.A. 10062/2026**

MANISH KUMAR THAKKAR .....Petitioner

Through: Ms. Sumitra Choudhary, Advocate (*through video conferencing*)

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Amit Ahlawat, APP for State with Investigating Officer/SI Shivam Malik.

CORAM: JUSTICE GIRISH KATHPALIA

JUDGMENT (ORAL)

1. The accused/applicant seeks anticipatory bail in case FIR No. 610/2025 of Police Station Karol Bagh for offence under Section 420/34 IPC.

2. At the outset, learned APP for State points out that the

accused/applicant had challenged order dated 02.04.2026 of this court before the Supreme Court, but the SLP was later withdrawn on 07.05.2026.

3. Broadly speaking, the prosecution case is as follows.

3.1 The complainant *de facto,* engaged in manufacturing and trading of gold jewellery, came in contact with the present accused/applicant and co-accused in the month of January 2024, both of whom represented themselves as reputed traders dealing in gold jewellery and offered to carry out business with him. The complainant *de facto* supplied 22 carat gold jewellery worth Rs.61,95,840/- at behest of the accused/applicant to one AGN Gold & Diamond, Thrissur, Kerala against an invoice. Towards part payment, the accused persons paid only Rs.54,17,785/- and assured to pay the remaining amount shortly. Thereafter, the accused persons again placed an order and at their behest, the complainant *de facto* supplied jewellery worth Rs.2,76,909/- to one V.R. Jewellers, Mumbai through invoice dated 07.05.2024. But no payment was made by the accused persons. The accused/applicant contacted the complainant *de facto* and assured to clear all previous outstanding and for that purpose further induced the complainant *de facto* to supply four consignments of 22 carat gold jewellery of total worth about Rs.75,84,669/- to Jai Ambe Jewellers against four invoices. Even thereafter, the present accused/applicant and the co-accused also personally collected from the complainant *de facto,* jewellery worth Rs.7,95,200/- and Rs.6,21,800/- respectively on the assurance that the accused persons would issue invoice later in the name of their newly established firm. But neither the jewellery was returned nor any payment was made. When the complainant *de facto* insisted, the co-accused handed over two cheques of Rs.8,00,000/- and Rs.7,33,675/- towards part payment, but on being presented, both cheques got dishonoured with the remark that the concerned bank account had already been closed way back in the year 2018.

3.2 During investigation, it was found that the complainant *de facto* had indeed supplied the gold jewellery at behest of the accused persons, but the GST registration details of the jewellery recipients, namely Jai Ambe Jewellers, which GST particulars had been furnished by the accused/applicant, were found to be fake. The investigator found that the address mentioned in the GST particulars supplied by the accused/applicant was actually a residential address of Gujarat and not a jewellery business establishment. Further, the co-accused during his interrogation admitted that they do not run any jewellery business.

4. Learned counsel for accused/applicant submits that it is a case of purely civil liability, which has been twisted into a criminal case only to arm-twist the accused/applicant. Learned counsel for accused/applicant submits that it is settled law that at the inception of the transaction, the accused must have a dishonest intention in order to make out a case of cheating and since in the present case, at the initial stage, the

accused/applicant had admittedly made part payment of the cost of jewellery, it is not a case of cheating. It is submitted by learned counsel that accused/applicant is a young man and if arrested, he would suffer harm.

5. Learned APP assisted by Investigating Officer/SI Shivam Malik strongly opposes the anticipatory bail application, submitting that the Investigating Officer was also supplied by the complainant *de facto*, a tape recorded conversation between the complainant *de facto* and the accused/applicant in which the latter admitted the above mentioned transactions. Further, on instructions of Investigating Officer, learned APP submits that custodial interrogation of the accused/applicant is required in this case, for recovery of the cheated gold jewellery, for tracing the proceeds of crime, for identifying the complete money trail, for apprehending remaining accused persons and for collecting evidence related to the larger conspiracy. It is submitted that the accused/applicant did not join investigation despite service of notice.

6. So far as the legal position is concerned, the submission of learned counsel for accused/applicant is absolutely undisputed that in order to distinguish a case of cheating from a case of purely civil liability, one of the factors is to ascertain the dishonest intention, if any, at the time of inception. But merely because at the time of inception, the accused/applicant made part payment of the cost of the jewellery, in view of further circumstances it cannot be said his intention was clear. Rather, the further circumstances as

recapitulated below would show that the accused/applicant made part payment in the first transaction only to win over confidence of the complainant *de facto* and thereafter induced the complainant *de facto* to deliver jewellery of much higher worth. One of those further circumstances is that the accused/applicant furnished false GST particulars of Jai Ambe Jewellers, address whereof, according to the investigation, was only a residence from where no business of jewellery was being carried out. Another circumstance is that the accused/applicant issued cheques to the complainant *de facto* on the bank account which had already been closed way back in the year 2018 itself. I am of *prima facie* view that it is not a case of purely civil liability.

7. Of course, on the above aspects, the trial court shall take independent view at the time of culmination of trial, but for present purposes, I am not convinced with the submission that no offence of cheating is made out.

8. Keeping in mind the above circumstances, the requirement expressed by the Investigating Officer for custodial interrogation of the accused/applicant does not appear to be unjustified. It is not just the case property cheated gold jewellery which has to be recovered, it is also the tracing of the proceeds of crime, ascertaining the overall expanse of the alleged fraud and involvement of other persons also, which has to be unearthed by the Investigating Officer. Since the accused/applicant did not join investigation despite service of notice, the opposition to this

anticipatory bail application by the Investigating Officer is not wrong.

9. Considering the above circumstances, I do not find it a fit case to grant anticipatory bail to the accused/applicant.

10. Therefore, the anticipatory bail application and accompanying application are dismissed.

GIRISH
KATHPALIA

GIRISH KATHPALIA
(JUDGE)

AUGUST 13, 2026/_ry_