



2025:DHC:6867



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

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Date of Decision: 14.08.2025+ **BAIL APPLN. 3086/2025, CRL.M.A. 23977/2025 & CRL.M.A. 23978/2025**

SHUBHAM KUMAR

.....Petitioner

Through: Mr. Chandrika Prasad Mishra,
Advocate.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State.

CORAM: JUSTICE GIRISH KATHPALIA**JUDGMENT (ORAL)**

1. The accused/applicant seeks anticipatory bail in case FIR No. 184/2025 of PS Saket for offence under Section 305(a)/3(5) of BNS.

2. Broadly speaking, allegation against the accused/applicant is that he stole away Rs.7,41,000/- from ATM machine, in his capacity as ATM Operator. The FIR registered by the local police on the complaint of the management of the Cash Management Security Company narrated the incident as follows. On 25.04.2025, the cash loading of the ATM of Central Bank of India was performed by ATM Operators namely Sonu and Dilkhush as per cassette swap process of an amount of Rs.13,00,000/-, which had been handed over to them in two different cassettes in the denomination of Rs.500/- and Rs.100/-; the cassettes were filled in the office vault with Rs.500/- x 2400 notes totalling to the tune of Rs.12,00,000/-, and Rs.100/- x



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1000 notes totalling to the tune of Rs.1,00,000/-. The Cassette bearing notes of Rs.500/- was sealed with the seal number 2025397 while the cassette bearing notes of Rs.100/- was sealed with seal number 2025398. On 26.04.2025, again Sonu and Dilkhush went for loading the same ATM after removal of the remaining cash in the cassettes of the ATM. During the period from the time of loading of cash on 25.04.2025 and removal of the remaining cash on 26.04.2025, the dispensation found was Rs.86,000/- in the denomination of Rs.100/- and Rs. 4,31,500/- in the denomination of Rs.500/-, therefore, the remaining amount in the cassettes should have been Rs.14,000/- in the denomination of Rs.100/- and Rs.7,68,500/- in the denomination of Rs.500/-. But on matching the count with the vault records, a shortage of Rs.7,41,000/- was detected. It was also found that the seal number which was part of the cassette at the time of filling in the office vault was changed to 2090554. Prior to Sonu and Dilkhush, the two ATM Operators who performed the cash loading of the said ATM were Shubham (*the accused/applicant*) and Vikas, and the seal, number whereof was found on the returned cassette, had been issued to the accused/applicant and Vikas on 29.03.2025, which had not been used by them during their service as per record. The internal investigations revealed that the ATM vault was opened by two persons wearing mask on 26.04.2025 and from physical appearance, they were identified as the accused/applicant and Vikas. Thus, the accused/applicant and Vikas were found to have stolen Rs.7,41,000/-.

3. Learned counsel for accused/applicant contends that the accused/applicant is innocent and was falsely booked on the basis of identification by mere physical appearance of the actual culprits depicted in



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the CCTV footage.

4. Learned APP accepts notice and strongly opposes this anticipatory bail application, submitting that identity of the accused/applicant is not just on the basis of physical appearance, but also on the ATM Cassettes' seal, which had been issued to the accused/applicant and misused by him. In this regard, learned counsel for accused/applicant submits that there is no evidence to show issuance of the said seal to the accused/applicant.

5. In the course of submissions, learned counsel for accused/applicant stated that much prior to the alleged theft, the accused/applicant had resigned from his job. But on being asked to show the resignation letter, learned counsel stated that it was only verbal resignation. However, as rightly pointed out by learned APP, the version of the accused/applicant having resigned from his job prior to the alleged theft was neither taken before the Court of Sessions nor even pleaded in any of the anticipatory bail applications. The argument has been falsely raised.

6. Looking into the overall circumstances of the case, I do not find it a fit case to grant relief of anticipatory bail. The anticipatory bail application is dismissed. Pending applications also stand disposed of.

**GIRISH KATHPALIA
(JUDGE)**

AUGUST 14, 2025/ry