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

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Date of Decision: 15.05.2026

+ **BAIL APPLN. 1927/2026, CRL.M.A. 15613/2026 & CRL.M.A. 15612/2026**

KOMMINENI AJAY BABU

.....Petitioner

Through: Mr. Lakshit Chaudhary and Mr. Sarthak Udaipuria, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State with Inspector Ajay Kumar

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/application seeks anticipatory bail in case FIR No. 36/2026 of PS Special Cell for offence under Section 308/318(4)/319/340 BNS.

2. Broadly speaking, prosecution case is that the accused/applicant is involved in a financial fraud whereby the complainant *de facto* was cheated of Rs.1,04,49,999/- and the said amount was transferred to the bank



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accounts of the business entities, with which the accused/applicant is connected. Out of the allegedly cheated amount, a sum of Rs.50,00,000/- was transferred into ICICI bank account of the business entity run by the accused/applicant.

3. Against the above backdrop, learned counsel for accused/applicant contends that he has been falsely implicated in this case. It is submitted by learned counsel that the FIR was registered against some unknown person and it does not spell out the complete details of the alleged offence. It is also contended that the accused/applicant himself is a victim of the fraud as someone misused his bank account. It is submitted that the accused/applicant had lost SIM card of his mobile phone, so he had even lodged a police complaint in that regard, copy whereof is Annexure P-3 to this anticipatory bail application. It is further contended by learned counsel for accused/applicant that no custodial interrogation is required in this case, since the bank account of the accused/applicant already stands frozen by the police.

4. On the other hand, learned APP for State assisted by IO/Inspector Ajay Kumar strongly opposes grant of anticipatory bail on the ground of seriousness of the offence and the stage of the investigation. It is contended that on the same day when a sum of Rs.50,00,000/- out of the amount allegedly cheated in the present case was credited into the bank account of the accused/applicant, further sum of Rs.2,34,00,000/- was also credited in



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that account and as many as six more similar complaints of cyber frauds have been received pertaining to the same bank account. Learned APP for State has also shown me the investigation file, contending that custodial interrogation is required in this case.

5. So far as the FIR being unnamed, according to the record, it was an e-FIR, subsequent to which a detailed statement of the complainant *de facto* was recorded on 09.02.2026. In that detailed statement, the complainant *de facto* elaborately described how he was put under pressure on the pretext that his landline phone was being used for illegal activities like online gambling, human trafficking, money laundering and blackmailing. The complainant *de facto* was got connected through his landline to the emergency helpline of Indira Nagar police station and was instructed to contact them through WhatsApp from his mobile phone, which he complied with and was connected to a person introducing himself as SI Abhinav Joshi, who appeared in police uniform during the WhatsApp video call. The further statement of the complainant *de facto* elaborately describes how he was threatened with the arrest and was made to transfer different amounts of money to four bank accounts, one of which is held by the company namely Smartplan Media Pvt. Ltd., of which the accused/applicant claims himself to be the 'proprietor' (*despite the said entity being a company*). The amount got transferred from the bank account of complainant *de facto* into the bank account held by Smartplan Media Pvt. Ltd. was Rs. 50,00,000/-. Further, according to the complainant *de facto*, during all transactions, he was



monitored through video calls while travelling to the bank. Subsequently, realizing that he had been cheated through a digital arrest *modus operandi*, he lodged a complaint on cyber crime helpline portal.

6. So far as the complaint (*Annexure P-3*) is concerned, the same is clearly an afterthought, having been lodged by the accused/applicant with the local police on 26.04.2026, by which date the investigation had already started and the accused/applicant had already received a notice to join the investigation.

7. Coming to the issue of the custodial interrogation, going by the above described circumstances, expanse and depth of the alleged offence needs to be unearthed. The legal character of the relationship between the accused/applicant and Smartplan Media Pvt. Ltd. also needs to be unearthed, because the said entity is a private limited company, but the accused/applicant claims himself to be a “proprietor” thereof, which is not a coherent statement. As mentioned above, according to the prosecution, there are six more complaints of similar cyber frauds linked with the same bank account, in which, after credit of Rs.50,00,000/- by the present complainant *de facto*, further amount of Rs.2,34,00,000/- was also credited. I do not find unjustified the request of the investigating agency to permit custodial interrogation of the accused/applicant.

8. At the same time, it is also a settled view that in such cases of large



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scale cyber frauds and even other economic offences, grant of anticipatory bail is not appropriate because doing so would thwart and derail the investigation.

9. Considering the overall circumstances described above, I do not find it a fit case to grant anticipatory bail.

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

**GIRISH KATHPALIA
(JUDGE)**

MAY 15, 2026/as