



2026:DHC:2181



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 16.03.2026*+ **BAIL APPLN. 1044/2026 & CRL.M.A. 7888/2026**

RITU GUPTA

.....Petitioner

Through: Mr. Ankit Gupta, Utkarsh Tiwari, Mr.  
Akash Gupta and Mr. Alok Kumar,  
Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Amit Ahlawat, APP for the State  
with SI Tilak Raj.**CORAM: JUSTICE GIRISH KATHPALIA****JUDGMENT (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 152/2025 of Police Station Special Cell for offence under Section 308/318(4)/319 of BNS.
2. I have heard learned counsel for accused/applicant and learned APP for the State assisted by IO/SI Tilak Raj.
3. Broadly speaking, the prosecution case is that the accused/applicant, along with two co-accused persons, namely, Shiv Shankar and Banwari Lal committed cyber fraud by carrying out digital arrest of the complainant *de facto*, who is an old aged lady. The FIR was registered online, after which



the complainant *de facto*, submitted a detailed complaint, stating that on 30.11.2025 she received a phone call in which the caller introduced herself as Inspector Anita Verma from Delhi Police Headquarters and stated that husband of the complainant *de facto*, was involved in terrorist activities, so a case had been registered against them; that the phone call was transferred to another person who introduced himself as Senior Inspector and he directed that the complainant *de facto* and her husband have to appear before him; that on being apprised of their old age and medical ailments, they were directed to contact ATS, Pune; that thereafter they received phone call from Inspector Prem Dev, who connected her phone with one Sadanand, Chief ATS; that all of them threatened that a case had been registered in Jammu & Kashmir in connection with their terrorist activities and even showed their arrest warrants and instructed her not to inform anyone and stay at home and report to him every hour; that on 01.12.2025, after ascertaining all assets and liabilities of the complainant *de facto* and her husband including his retirement benefits, the complainant *de facto* and her husband were directed to transfer various amounts through RTGS and total amount of Rs. 94,50,000/- was transferred by them to specific bank accounts under fear of being implicated in terrorism related case.

4. Learned counsel for accused/applicant does not dispute that a sum of Rs. 40,00,000/- was credited in the bank account of the accused/applicant, but claims that the accused/applicant herself is a victim of cheating. Learned counsel for accused/applicant submits that co-accused Shiv Shankar and Banwari Lal contacted the accused/applicant with the assurance to invest



money in her company and under that pretext, they took her bank details and SIM card of mobile phone, all of which were misused by them. Learned counsel for accused/applicant also submits that prior to the notice to join investigation, the accused/applicant had herself lodged a complaint on web portal, alleging that her bank account particulars were being misused by Shiv Shankar and Banwari Lal.

5. On the other hand, learned APP submits that according to the investigation, a sum of Rs. 40,00,000/- was received by the accused/applicant in her bank account and out of the said amount she retained Rs. 33,00,000/- and transmitted the remaining amount to 20 bank accounts on the same day. Further, it is submitted by learned APP that during the period from 05.12.2025 to 06.12.2025, the accused/applicant received Rs. 7,00,00,000/- in her bank account from different persons and in this regard 11 complaints of similar nature were lodged against the accused/applicant. It is submitted by learned APP that the accused/applicant deleted all content of WhatsApp chats in her mobile phone. It is also submitted that accused Shiv Shankar and Banwari Lal are absconding.

6. So far as the explanation rendered by learned counsel for accused/applicant as regards bank transactions of the accused/applicant, one can understand that before investing money, the proposed investor would test the financial soundness of the company, but it does not sound believable that for this purpose, the Director of the company would hand over all her banking credentials as well as even her mobile phone SIM card. Although, on this aspect, trial court shall take an independent view, but since this



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argument has been raised for the purposes of seeking bail, it has to be dealt with. *Prima facie*, the explanation rendered on behalf of accused/applicant regarding influx of such enormous amount does not sound believable.

7. Further, as regards the complaints lodged by the accused/applicant, the same were much subsequent to the alleged offence. As mentioned above, the alleged digital arrest of the complainant *de facto* was carried out on 30.11.2025 and 01.12.2025, while the complaints were lodged on 05.12.2025 online and 18.12.2025 by post. Even the online complaint dated 05.12.2025 does not give any specific particulars of the date, month or year when Shiv Shankar and Banwari Lal obtained the bank documents and SIM card of the accused/applicant.

8. Considering the nature of the cyber fraud coupled with the expanse of same kind of digital arrest in 11 other cases alleged against the accused/applicant, at this stage, I do not find it fit to grant bail.

9. Therefore, the bail application and the accompanying application are dismissed.

10. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the accused/applicant.

**GIRISH KATHPALIA  
(JUDGE)**

**MARCH 16, 2026**  
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