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

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*Date of decision: 4<sup>th</sup> August, 2025*

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**BAIL APPLN. 2290/2025, CRL.M.As. 22648/2025 & 22649/2025**

**BHUPENDER KUMAR**

.....Petitioner

Through: Mr. Pankaj Sinha, Ms. Anastasia Gill,  
Ms. Priyanka Basyan and Mr. Akash  
Verma, Advocates.

versus

**THE STATE OF NCT OF DELHI**

.....Respondent

Through: Mr. Aman Usman, APP for the State  
with Inspector Bhanwar Singh, IFSO,  
Special Cell and S/V Bhupender  
Kumar.

Mr. Saul Shukla, Mr. Ramandeep  
Singh, Mr. S. Barak and Mr. Arun  
Kumar, Advocates with complainant  
in person.

**CORAM:**

**HON'BLE MR. JUSTICE ARUN MONGA**

**ARUN MONGA, J. (Oral)**

**BAIL APPLN. 2290/2025**

1. The applicant is a co-accused and undertrial in criminal proceedings arising out of the FIR No. 03/2024 for alleged offences attracting Sections 406/420/120B of IPC registered at Police Station Special Cell (Delhi). However, subsequently, the co-accused were also charged under additional sections 467/468/471 IPC along with Section 66C of the Information Technology Act, 2000. He seeks bail from this court having remained under incarceration for more than a year and four months since the day of his



arrest, i.e. 17.03.2024.

2. Briefly speaking, case of the prosecution/complainant as per the FIR allegations is that :-

2.1. The complainant, Shri Hari Datt Sharma, has been a victim of a massive financial fraud that began in April 2018 and has resulted in a total loss exceeding ₹3.5 crore. This fraud was perpetrated by a network of individuals who repeatedly impersonated officials from various government departments and institutions such as the National Payments Corporation of India (NPCI), Reserve Bank of India (RBI), State Bank of India (SBI), Income Tax Department, Ministry of Finance, and others. The fraudulent activities commenced when the complainant received an email from one Vijay Kumar Malhotra, who claimed to be from NPCI and used the email ID malhotravjay962@gmail.com. This email contained an official-looking letter dated 21.03.2018, which falsely stated that a sum of ₹17,45,910 was due to the complainant. To release this amount, a payment of ₹35,918 was requested in favour of an entity named RB Info Solutions. Believing the claim to be genuine, the complainant transferred the said amount from his Bank of Maharashtra account. Shortly thereafter, another letter purportedly from the Ministry of Finance was received, dated 24.04.2018, demanding ₹1,71,099 for the processing of the alleged policy amount. These transactions led the complainant to believe that the officials were legitimate and committed to disbursing the funds.

2.2. Following these initial contacts, several other individuals joined the scheme and portrayed themselves as senior officials from the Ministry of Finance, Income Tax Department, and related bodies. These included



persons named Ravi Kant Reddy, Ravi Shankar Tripathi, Ashok Tiwari, and Rakesh Oberoi. They used forged documents, fake IDs, Aadhaar cards, and even sent letters and Whatsapp messages on fake government letterheads to further mislead the complainant. Payments were continually demanded under the pretext of income tax dues, GST, legal formalities, fund release charges, and other bureaucratic procedures. In 2019, the fraud escalated, and the complainant received communications via Whatsapp using his personal and banking details to make the communications appear official. Letters bearing logos and seals of NPCI, Income Tax Department, and IRDA were sent, mentioning amounts running into crores, and demanding payments of lakhs towards release charges.

2.3. In December 2020, the complainant was sent six post-dated cheques totalling ₹3,00,25,000, allegedly issued by a Ministry of Finance official named K. Sanjeevan and drawn on Kotak Mahindra Bank. The complainant was advised not to deposit these until further instruction. When the cheques were eventually presented to Punjab National Bank before their expiry, they were returned unpaid on the grounds that the signature did not match the account records. On requesting information from Kotak Mahindra Bank, the complainant received a letter dated 08.08.2021 stating that the bank could not share account holder details without a directive from statutory authorities or a court, and declined to entertain further requests.

2.4. Meanwhile, the complainant continued to be defrauded by individuals including Surya Kant Patel, Manju Sahu, Pankaj Singh Bhadauria, Saurabh Mishra, Anil Kumar Bhardwaj, and Ashish Bansal, who used official-sounding titles and impersonated senior officers. They claimed to be



contributing their own funds to help expedite the transfer of the complainant's dues and continued to make repeated demands under various guises. Emotional manipulation tactics were used—such as announcing the deaths of certain intermediaries (Ravi Rathore allegedly poisoned, Pankaj Singh died of a heart attack), and appeals for money to cover funeral or legal expenses. The complainant was told that ₹4.80 crore was due to be transferred, and only a few minor charges remained. Under this belief, further large sums were paid through accounts such as ACS Services at SBI and others.

2.5. Each time complainant sought his money, new excuses were regularly resorted to, ranging from pending BTC charges (₹7.2 lakhs), blocking agent codes, upgrading transaction limits in savings accounts, resolving SEBI objections, and even creation of unique identity numbers. Letters were issued from forged offices such as the Department of Payment and Settlement Systems (RBI), Central Board of Direct Taxes (CBDT), and Income Tax Officers using fabricated seals and designations. Despite promises, each demand led to more payments and no resolution. At one point, the complainant was told that ₹16.40 lakh was needed as final tax, and that a partial payment of ₹12.76 lakh would be sufficient to trigger the transfer, with the remainder to be paid after receipt. Eventually, only ₹10,000 was credited, and the complainant received a message citing failure due to "tax registration issues" and a need to pay the full ₹16.40 lakh to "unlock" the remaining funds.

2.6. Throughout this time, the complainant was repeatedly contacted by the same group of people, often using different names and numbers. Anil



Kumar Bhardwaj, who originally operated from 7836959073, later started messaging from 9953457463. Ashish Bansal also kept calling, demanding further payments while claiming internal disputes with Anil Kumar over commissions. New names kept appearing, including Bijay Raut (alias Sangita Raut), Nikhil Jain (NPCI), Kaman Singh (NPCI, Bandra Kurla Complex), Aditya Agarwal, Sumit Nagar, and Ashutosh Sharma (ICICI Prudential), all of whom participated in extending the fraud. Payments of over ₹7 lakhs were also made to persons like Rajesh Raut and Dimini Raut. The complainant was sent dozens of fabricated letters, screenshots, and Whatsapp chats which included government logos, rubber stamps, and even file numbers to reinforce the deception.

2.7. In the course of this fraud, the complainant was made to believe that his funds were being withheld due to technical formalities and bureaucratic hurdles. He was continually reassured that the matter was close to resolution, but each step led to further demands for money. Fabricated cheques, fake Aadhaar cards, PAN cards, income tax letters, and account numbers were routinely used to instill trust and extract payments. Despite this, no actual fund transfer—except the token ₹10,000—was ever completed.

2.8. The complainant has also compiled and preserved all relevant documents, including forged letters, transaction records, bank statements, screenshots of Whatsapp conversations, email correspondence, and cheque copies. The same were submitted along with this complaint as annexures labeled A to U and Y for verification and investigation.

2.9. The complainant thus sought a thorough investigation into this large-



scale organized financial crime through the appropriate law enforcement and regulatory agencies; identify and apprehend all individuals and networks involved; recover his defrauded sums to the extent possible; and prosecute the offenders under relevant sections of the Indian Penal Code, IT Act, and any other applicable statutes.

3. In the aforesaid backdrop, I have heard the rival contentions of the learned counsel appearing of respective parties as well as the complainant, who appears in person along with his counsel.

4. It transpires that the complainant retired from a senior position in the government (Provident Fund Commissioner as informed by him) and is currently also practicing as an Advocate. He states that he has lost his entire life savings in the evening of his life and has been left emotionally, mentally, and financially devastated by this fraud.

5. At the very outset, on a query put to the complainant as to how he fell victim to the alleged unscrupulousness attributed to the accused named in the FIR and the applicant, given that he himself handled with such like people during his career as a Government official and apart there from, is currently practicing as an Advocate, he would candidly submit that he earnestly believed in the assurances meted out by the applicant and the other co-accused. Based on their promises of assured return on his investments and other representations, and seeing that the applicant had an impressive job profile, he ended up parting with his savings.

6. Adverting now to the applicant's case, as set up by him seeking bail, first and foremost, learned counsel representing him would argue that the applicant is behind bars for more than one year and four months and the trial



is moving at snail's pace. It is currently at the stage of framing of charges with 37 witnesses yet to be examined. Reliance has been placed on the judgment of *Siddharth Vs. State of Uttar Pradesh (2022) 1 SCC 676* to argue that undue delay in trial is a valid ground for bail, especially when the accused is not likely to flee or tamper with evidence.

6.1. Moreover, he submits that the name of the applicant does not figure in the FIR. Instead, his implication is based on the disclosure statement of co-accused Nishant Kumar. It is submitted by him that no money was credited to the applicant's account and the co-accused who received the amount and took care of finances are already on bail. The applicant thus seeks parity with the other co-accused persons who have been enlarged on bail.

6.2. The learned counsel also argues that no incriminating material or financial trail has not been discovered against the applicant and the documentary evidence (mobile phone and laptop) required for investigation has already been seized by the police and therefore, there is no requirement of keeping the applicant incarcerated.

7. Opposing the aforesaid arguments, learned APP would state that given the role attributed to the applicant, no interference by this Court is warranted. He would submit that if let out on bail during the trial, the applicant may indulge in such like repeat acts and thus cheat the public at large. Complainant, who is appearing in person, supports the view of the learned APP stating that at one stage, he had also thought that he will buy peace by letting go of the financial losses he suffered, but it is more out of his public spiritedness that he is pursuing the case so that such like unscrupulous people do not cheat the gullible victim like him in future.



8. On a Court query, learned APP does not dispute that as far as the role attributed to the applicant herein, it is similar to the co-accused, who are also facing the trial but have been let out on bail during pendency of the trial, though, of course, on the basis of settlement and payment of money to the complainant and his thus choosing not to oppose their bail pleas.

9. Be that as it may, the mere fact that applicant has no financial reserves from his past earnings to pay the complainant without prejudice to his rights to establish his innocence, on that ground he cannot be held culpable of the offences attributed to him as the same are matter of trial.

10. This Court has its sympathy for the complainant, who appears in person, has been robbed of his hard earned retiral benefits and having thus become a gullible victim at the hand of those offenders, who may have perpetrated the alleged offences. However, at this stage, as already noted hereinabove, all of those allegations are matter of trial and complainant's gullibility cannot *per se* be converted into criminal culpability on the part of the applicant herein unless, of course, the applicant is held guilty in accordance with law.

11. The maximum punishment for the alleged offences attributable to the applicant is only three years, and continued preventive detention merely on the speculative ground that he would abscond would be travesty of justice.

12. Even otherwise, I am of the view that, at this stage, the applicant is now entitled to bail based on the principle of presumption of innocence until proved guilty and the right to a speedy trial. Despite being in custody for over 14 months, the trial has not progressed beyond the charge-framing stage, with 37 witnesses yet to be examined, indicating inordinate delay. The





applicant is not named in the FIR, and his implication arises solely from disclosure statements of co-accused, which are per se not admissible unless backed by any recovery or corroborative evidence. Additionally, there is no money trail unearthed linking him to the alleged offence—no funds were received in his account, and co-accused managing finances are already on bail though by way of entering into compromise with the complainant.

13. Furthermore, the digital evidence (laptops and phones) has already been seized and is pending forensic examination. The entire evidence is since beyond the reach of applicant, there is no valid basis of the apprehension that it can be tempered with.

14. Qua the apprehension that applicant may influence the prosecution witnesses, the same also seems unfounded, as most of them are either the officials or the complainant himself.

15. Moreover, as already noted, the complainant is a seasoned legal professional who continued to interact and make voluntary payments over an extended period on his own volition. Concededly, he even settled with some co-accused, suggesting that entire attempt may be to leverage criminal proceedings for financial recovery. The charge sheet and supplementary charge sheet have already been filed, and thus there is no further need for custodial interrogation.

16. Furthermore, it transpires that the applicant is deeply rooted person in society having a family constituting of two minor daughters, aged 5 years and one and a half years old, his wife and ailing widow mother who are stated to be living in literal starvation and penury in his absence as he is the sole bread winner. There are no criminal antecedents either. In the premise, I



do not see him as a flight risk or otherwise absconding from the trial proceedings in case he is granted concession of bail.

17. As regards the role attributed to the applicant, it is not disputed that same is on parity with the co-accused already on bail. Taking wholesome view, given the applicant has already undergone fairly long pre-trial detention, absence of direct evidence, and bail granted to similarly placed co-accused, it appears to be a fit case for grant of bail to him during pendency of the trial.

18. Accordingly, the bail application is allowed. The applicant is directed to be released on bail, subject to furnishing bail bonds and surety of equivalent amount to be determined by the learned Trial Court and subject to the other usual bail conditions to be imposed by the Trial Court.

19. However, in the parting, to obviate the fears of the prosecution that applicant may not co-operate, if required for further queries which could arise in future for unearthing of the trial of money, it is directed that as and when the I.O. asks the applicant to appear before him, he shall make himself present provided a prior notice thereof is given for the same.

20. Nothing observed hereinabove shall amount to an expression on the merits of the case either way and shall not have any bearing on the pending trial as the same is only for the purpose of the disposing of the present bail application. In case applicant is found involved in any repeat offence while on bail, the prosecution shall be at liberty to seek cancellation of the bail granted to the applicant in the present case vide instant order.

**ARUN MONGA, J**

**August 04, 2025/kd**