

(2026) 03 DEL CK 0492

In the Delhi High Court

Case No : Bail Application No. 3508 Of 2024

Nitin Kaushik

APPELLANT

Vs

Govt Of Nct Of Delhi

RESPONDENT

Date of Decision : 13-03-2026

Acts Referred:

Indian Penal Code, 1860 — Section 420, 463, 464, 465, 468

Citation : (2026) 03 DEL CK 0492

Hon'ble Judges : Girish Kathpalia, J

Bench : Single Bench

Advocate : Rana Sandeep, Vivek Pahan, Sanjeev Sabharwal

Final Decision : Dismissed

Judgement

Girish Kathpalia, J

1. The accused/applicants seek anticipatory bail in case FIR No. 349/2021 of Police Station Vijay Vihar for offence under Section 420/463/464/465/468 IPC.
2. These anticipatory bail applications came up for the first hearing on 30.08.2024 and 27.09.2024 before the predecessor bench and thereafter continued getting adjourned before different benches. Initially, the predecessor bench granted protection to the accused/applicants from arrest but subsequently, on being informed that the accused/applicants were in jail in connection with another case, the protection was revoked. Thereafter, vide order dated 15.05.2025, the predecessor bench restored the protection from arrest, which protection continued on date to date basis before different predecessor benches. Thereafter, along with 179 such old pending bail applications, these applications also were transferred to this bench and today is the first hearing before me.
3. The interim protection repeatedly granted to the accused/applicants was subject to their joining the investigation. But at the outset, learned APP on instructions of IO/SI Arun Kumar submits that in response to every question, the accused/applicants express that they do not remember anything and baldly deny

everything.

4. I have heard both learned counsel for accused/applicants and learned APP for State as well as the victims of this fraud, who have appeared personally.

5. Broadly speaking, allegation against the accused/applicants is as follows. The accused Pratibha Thakur and the accused Nitin Kaushik collected almost Rs. 12,00,000/- from gullible individuals, assuring to get them a job in the railways department.

5.1 The FIR was registered on the statement of one such defrauded person Govind, who was introduced to the accused Pratibha Thakur and the accused Nitin Kaushik and they assured to get him recruited in railway department subject to being paid money. The accused Pratibha Thakur called Govind to her residence and showed him certain appointment letters and joining letters.

5.2 On being induced by the accused Pratibha Thakur, three victims agreed to pay Rs.12,00,000/- to her, which had to be paid stage-wise. The accused Pratibha Thakur called all of them to her office in a school and gave them forms, with instructions that they should practice filling those forms on photocopies, after which original form would be got filled before senior officers of railways; the accused Pratibha Thakur also collected copies of their Aadhar cards and directed them to reach Naihati, Kolakata on 02.10.2018, where they would be required to pay her the money.

5.3 In Kolkata, the accused Pratibha Thakur got filled an original form from them and collected Rs.1,50,000/- from them for getting them medically examined. On 04.10.2018, the accused Pratibha Thakur got them medically examined in the railway hospital and even collected their medical reports. After that all of them returned to Delhi.

5.4 Within about 2-3 weeks, the accused Pratibha Thakur called them up and informed about issuance of appointment letters, which letters were to be collected by them from Kharagpur, West Bengal, where they would be accompanied with the accused Nitin Kaushik.

5.5 Once they reached Kharagpur, West Bengal, the accused Nitin Kaushik showed them their appointment letters and collected Rs.3,75,000/-from them.

5.6 On 15.11.2018, the accused Nitin Kaushik took them to railway office and handed over their appointment letters to some officer, to whom he also handed over a packet, assuring to pay the balance subsequent to completion of work.

5.7 On 16.11.2018, all of them returned to Delhi and on 12.12.2018, the accused Pratibha Thakur called them to collect their joining letter and instructed them to go Hoogly, West Bengal with the accused Nitin Kaushik for their training.

5.8 On 18.12.2018, the accused Pratibha Thakur and the accused Nitin Kaushik met at the railway station two more persons namely Munish and Anil, who also paid Rs.8,00,000/-. The accused Nitin Kaushik took all five of them to Kharagpur

and collected Rs.1,00,000/- from Munish and Anil also for their medical examination. On 20.12.2018, the accused Nitin Kaushik took Rs.6,75,000/- from them, informing that their training would commence in Hoogly on 02.01.2019. Thereafter, they returned to Delhi.

5.9 In January 2019, both accused/applicants took the said victims to Hoogly where their training was carried out and in those sessions about 150 persons used to participate. During training they were even issued identity cards. On 09.03.2019 their training concluded and they returned to Delhi after being handed over training certificate by the accused Pratibha Thakur. Till November 2019, the accused Pratibha Thakur kept avoiding them for issuance of joining letter and finally on 20.11.2019, she gave the joining letter to Govind, whereby he had to join at the Old Delhi Railway Station during the period from 15.12.2019 to 20.01.2020.

5.10 When Govind reported at the Old Delhi Railway Station, he was informed that the joining letter was forged. Govind confronted the accused Pratibha Thakur and the accused Nitin Kaushik, after which the accused Pratibha Thakur even issued a cheque of Rs.10,50,000/- to Govind and a cheque of Rs.7,00,000/- to Neeraj, assuring to pay back the balance within a few days. But those cheques got bounced. On again being contacted, the accused Pratibha Thakur threatened to involve them in false rape cases. Hence, the complaint of cheating and forgery.

6. Learned counsel for accused Pratibha Thakur contends that the accused Pratibha Thakur herself is a victim of cheating and in this regard she had issued a letter (copy annexed with the bail application as Annexure-D) to the General Manager, Rail Bhawan, Howra, West Bengal. It is also contended that the accused Pratibha Thakur is innocent and has been falsely involved because she wrote that letter to the railways. Towards acknowledgement of that letter, learned counsel for accused/applicant refers to the communication dated 04.02.2020 (copy annexed with the bail application as Annexure-E).

7. Learned counsel for accused Nitin Kaushik contends that no money was received by him and the alleged victims have not shown the source of their money which they allegedly paid. The accused Nitin Kaushik has been regularly joining investigation. It is further submitted that chargesheet has already been filed. For same offence, two different FIRs have been registered by police according to learned counsel for accused Nitin Kaushik, so he has to file application for consolidation of the two. The accused Nitin Kaushik has already suffered two months imprisonment in the other FIR.

8. Learned APP and the victims present in court strongly oppose anticipatory bail applications of the accused/applicants in view of nature of the offence and the conduct of the accused/applicants during investigation. As regards two different FIRs, it is explained by learned APP that both pertain to different sets of victims, though the nature of fraud was similar. Further, it is contended that custodial interrogation of the accused/applicants would be required to unearth the manner

in which the entire fraud was carried out involving a number of other persons as well, some of whom might be the serving employees of the railways. It is also submitted by learned APP that further investigation is still pending because some of the accused persons have absconded and warrants against them have been obtained.

9. It is not a case of a simple fraud played on a gullible individual. A number of young aspirants for government job were cheated. Many of the parents, one of whom is today present in courtroom spent their life savings so that their ward gets a job with railways. The accused/applicants not just defrauded those job seekers, but even threatened to get them booked in false rape case when they demanded their money back after bouncing of the cheques.

10. Coming to the submission of accused Pratibha Thakur that she has been victimised for raising the issue against the railway department, a careful examination of the documents Annexures D and E, referred to by learned counsel would show that the same appear to have been tailored subsequently. The complaint Annexure-D does not bear any receiving stamp of the addressee department nor any postal receipt has been filed or shown. The document Annexure-E is stated to be the acknowledgment of receipt of complaint Annexure-D. But this submission does not inspire confidence for the reason that the complaint Annexure-D is undated while communication Annexure-E refers to the letter dated 11.10.2019. Therefore, for the time being I am unable to convince myself that accused Pratibha Thakur is being victimised. Further, it is admitted by learned counsel that she is not an employee of railways. If she acted only like a public spirited person, it remains unexplained as to why she would issue cheques to the victims, which cheques bounced.

11. As further described above, the accused/applicants took the victims to different offices and training centres of the railways department, which could not have been possible without complicity of railway officials. This vast network of fraud needs to be thoroughly investigated, for which requirement expressed by the IO for custodial interrogation of the accused/applicants does not sound unjustifiable.

12. Considering the above circumstances, I do not find these cases fit to grant anticipatory bail. Therefore, both these applications are dismissed. The accused/applicants are directed to surrender before the IO today itself at 05:00pm.