

(2026) 03 DEL CK 0479

In the Delhi High Court

Case No : Bail Application No. 3534 Of 2025, Criminal Miscellaneous Application
Nos. 27710, 35235 Of 2025

Oma Kant Gupta

APPELLANT

Vs

State Of Nct Of Delhi Through SHO

RESPONDENT

Date of Decision : 12-03-2026

Acts Referred:

Bhartiya Nagrik Suraksha Sanhita, 2023 — Section 35(3)

Code of Criminal Procedure, 1973 — Section 41A

Bharatiya Nyaya Sanhita, 2023 — Section 3(5), 61(2), 204, 308(2), 318(4), 319(2)

Citation : (2026) 03 DEL CK 0479

Hon'ble Judges : Dr. Swarana Kanta Sharma, J

Bench : Single Bench

Advocate : Divyakant Lahoti, Praveena Bisht, Siddharth Tripathi, Naresh Kumar Chahar

Final Decision : Dismissed

Judgement

Dr. Swarana Kanta Sharma, J

1. By way of the present application, the applicant is seeking grant of anticipatory bail in case arising out of FIR bearing no. 109/2025, registered at Police Station Special Cell, Delhi, for the commission of offences punishable under Sections 308(2)/318(4)/ 319(2)/204/61(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS').

2. Briefly stated, the facts of the present case, as per the prosecution, are that a complaint was received from Smt. Indu

Mahajan, resident of Greater Kailash Part-I, New Delhi. She alleged that on 15.03.2025 she received a WhatsApp call from mobile number +91-9056689953 from a person who introduced himself as Vijay Khanna. The caller informed her that he was a surveillance officer and that her bank accounts were under surveillance pursuant to orders of the court. During the call, he added other

persons and informed her that a CBI officer was also present on the call. The caller further told her that she was under "digital arrest" on account of her alleged involvement in a money laundering case relating to a Canara Bank account and also sent her a purported Supreme Court order through WhatsApp. It is alleged that during a group video call, a person posing as a judge informed the complainant that a non-bailable warrant had been issued against her. She was further told that her financial transactions were required to be monitored to ascertain her involvement in the alleged money laundering case and was instructed not to speak to anyone or leave her house without their permission. It is further alleged that under the said pretext, the fraudsters induced the complainant to transfer ₹ 30,00,000/- on 18.03.2025 from her SBI account no. 30556629953 to account no. 259510511846 (IFSC: INDB0001006). She was also induced to transfer another amount of ₹ 80,10,010/- to account no. 243005500991 maintained with ICICI Bank. Thereafter, on 23.03.2025, the complainant registered a complaint on the cyber helpline (1930) vide NCRP complaint no. 30803250026880.

3. During investigation, the details of account no. 259510511846 (IFSC: INDB0001006), in which ₹ 30,00,000/- had been transferred, were obtained and it was found to be in the name of Proprietor, Qualilogix Pharma Consulting Private Limited, having address H. No. 570, Kh. No. 54/3, Nangloi Extension, Block C-3, Baprola, New Delhi-110041. The said firm was found to be linked to the present applicant Om Kant Gupta, resident of Alwar, Rajasthan, and Sarita Kumari Gupta. During investigation, a raid was conducted at the said address; however, the applicant was not found there and it was learnt that he had left the said place several years ago. Further investigation revealed that mobile number 9510511846 was registered in the name of Om Kant Gupta, C-501, Pushpak Height, Kalol, Gandhi Nagar, Ahmedabad, Gujarat. It is further stated that a notice under Section 35(3) of the BNSS (earlier Section 41A of the Cr.P.C.) was issued to the applicant directing him to join the investigation on 08.05.2025; however, he did not join the investigation. The address furnished for opening the said bank account was also verified and it was found that the premises had never been taken on rent or lease for running any office or for opening the said bank account, and the owner of the premises Ravinder Phoghat was also examined during investigation who denied leasing out the premises to the applicant. The applicant's brother was also examined by the I.O. who stated that the said premises had never been taken on rent by the applicant.

4. The learned counsel appearing for the applicant argues that the applicant has been falsely implicated in the present case and that, in fact, he himself is a victim of a conspiracy. It is contended that the applicant had no role in the transactions of money which were credited to the bank account in question. It is further submitted that the applicant's e-mail account had been hacked, which he later secured by changing the security credentials. It is stated that thereafter, on 19.03.2025, the applicant immediately informed IndusInd Bank and requested that his bank account be frozen. Upon further scrutiny of his account, he

allegedly noticed several suspicious logins and transactions made from an IP address located in Singapore on 16.03.2025. It is submitted that the applicant is willing to cooperate with the investigation. Therefore, it is prayed that the applicant be granted anticipatory bail.

5. The learned APP for the State, on the other hand, opposes the present application and submits that a notice under Section 35(3) of BNSS was served upon the applicant directing him to join the investigation; however, he has not complied with the said notice. It is further argued that the address provided for opening the bank account in question was verified during investigation and it was found that the said premises had never been taken on rent or lease for running any office or for opening the said bank account. It is also submitted that the owner of the premises has been examined in this regard. The learned APP further submits that the applicant is the beneficiary of ₹ 30,00,000/-, which was directly credited into his bank account as the first layer from the complainant's account. It is also stated that the mobile number linked to the said bank account, i.e., 9510511846, is registered in the name of the present applicant and the transaction alert was also delivered to the said mobile number. Further, on the date of the transaction, i.e., 18.03.2025, another mobile number, 7600560941, allegedly used by the applicant, was also found to be active at the same location as the mobile number linked to the bank account. It is, therefore, submitted that custodial interrogation of the applicant is required and the present application for anticipatory bail deserves to be dismissed.

6. This Court has heard arguments addressed on behalf of both the applicant as well as the State, and has perused the material available on record.

7. After hearing the arguments and going through the case file, this Court is of the opinion that though the learned counsel for the applicant has contended that the applicant himself is a victim of fraud and has no connection with the alleged offence, the material collected during investigation, at this stage, does not support the said contention. The investigation reveals that a sum of ₹ 30,00,000/- was credited into the bank account of the present applicant from the account of the complainant. It is also a matter of record that the mobile number linked with the said bank account, i.e., 9510511846, is registered in the name of the applicant and the transaction alert regarding the said transfer was delivered on the said mobile number. It is further noted that on the date of the transaction, i.e., 18.03.2025, another mobile number 7600560941, allegedly used by the present applicant, was also found active at the same location where the bank-linked mobile number was operating.

8. This Court further notes from the investigation and the Call Detail Record (CDR) analysis that the mobile number linked with the account remained active at Gandhinagar, Gujarat on 15.03.2025 and thereafter, on 16.03.2025, the SIM card was inserted into another device at Vadodara, Gujarat. During the relevant period between 16.03.2025 and 18.03.2025, the SIM was used in multiple devices, including on the date of the alleged transaction. It is also noted that the

applicant was present in Vadodara, Gujarat during this period. Further, soon after the completion of the transactions on 19.03.2025, the applicant obtained a new SIM card with a different IMSI, which prima facie raises further suspicion regarding his conduct.

9. It is material to note that credit transactions amounting to about ₹ 1.50 crores have surfaced in the said account during the period from 21.09.2024 to 18.03.2025, without any complaint being lodged by the applicant during that period, which prima facie belies his claim that he was unaware of the transactions taking place in his account.

10. It is further pertinent to note that during investigation, the applicant was not found residing at the address which had been furnished by him for opening the bank account, and it has been stated that he had been frequently changing his residence. Verification of the address provided for opening the bank account has revealed that the applicant had never opened any office at the said premises. Statements of witnesses recorded during investigation also indicate that the premises shown in the photographs submitted as part of the KYC documents belonged to the said Ravinder and had never been taken on rent by the present applicant.

11. It is also a matter of record that the amount of ₹ 30,00,000/-credited into the account of the present applicant on 18.03.2025 was transferred on the very same day to multiple other bank accounts, leaving a balance of only ₹ 6,722 in the account. Investigation further reveals that the said bank account had been opened on 12.09.2024, and that credit transactions amounting to ₹ 52,03,712 had taken place in the said account from the date of opening till 16.03.2025. Notably, on the date of the alleged offence itself, i.e., 18.03.2025, an amount of ₹ 98,04,000 was credited into the said account and was immediately transferred to other accounts.

12. This Court also takes note of the fact that four other NCRP complaints relating to cyber fraud have been found registered against the same bank account in the name of the present applicant.

13. This Court also notes that the Hon'ble Supreme Court has taken suo motu cognizance of the issue of so-called "digital arrests" carried out on the basis of forged judicial documents and registered Suo Motu Writ Petition (Criminal) No. 03/2025 titled In Re: Victims of Digital Arrest Related to Forged Documents. In its order dated 17.10.2025, the Hon'ble Supreme Court had, inter alia, observed as under:

"4. The forgery of documents and the brazen criminal misuse of the name, seal, and judicial authority of this Court or a High Court is a matter of grave concern. The fabrication of judicial orders bearing forged signatures of Judges strikes at the very foundation of public trust in the judicial system, besides the rule of law. Such acts constitute a direct assault on the dignity and majesty of this institution, therefore, such grave criminal acts cannot be treated as ordinary or

routine offences of cheating or cybercrime.

5. We are also inclined to take judicial notice of the fact that the instant case is not a solitary instance. It has been reported many times in responsible media reports that such like occurrences have happened in the past in different parts of the country. We are, therefore of the prima facie view that a stern action on Pan India basis with coordinated efforts between the Central and State Police are required to unearth the full extent of this criminal enterprise involving forgery of judicial documents, cyber extortion and cyber arrest of the innocent people, especially the senior citizens.”

14. This Court’s attention is also drawn to the order dated 17.11.2025 passed by the Hon’ble Supreme Court in the above-noted suo motu proceedings, wherein the victim/complainant in the present FIR was permitted to assist the Court as an intervenor. It was further directed therein that co-accused Vijay Khanna and another co-accused, who had already been arrested, shall not be released on bail by any court till the investigation in the case reaches its logical conclusion.

15. Thus, considering the overall facts and circumstances of the present case, this Court is of the opinion that the allegations against the applicant relate to a serious instance of cyber fraud involving the modus operandi of so-called “digital arrest”. Such offences are carried out through technological means to deceive and extort money from unsuspecting victims and, as noticed by the Hon’ble Supreme Court, such cases are increasingly being reported across the country.

16. This Court is of the view that grant of anticipatory bail at this stage is likely to impede the investigation, particularly when custodial interrogation of the applicant is required to unearth the entire modus operandi and the larger conspiracy.

17. The present bail application, alongwith pending applications, is accordingly dismissed.

18. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

19. The judgment be uploaded on the website forthwith.