(2026) 08 DEL CK 3861

In the Delhi High Court, Principal Bench, New Delhi

Case No : BAIL APPLN. 3039/2026, CRL.M.A. 23015/2026, CRL.M.A. 23017/2026 & CRL.M.A. 23016/2026

Sudhakar Dwivedi APPELLANT

Vs

State (NCT Of Delhi) & Anr. RESPONDENT

Date of Decision : 03-08-2026

Acts Referred:
BNS — Section 318(4)/319/340
BNSS — Section 173(4)

Citation : (2026) 08 DEL CK 3861

Hon'ble Judges : Girish Kathpalia, J

Bench : Single Bench

Advocate : Mr. Aryan Dev Pandey, Mr. Amit Ahlawat, APP for State with Inspector Subhash Chander

Final Decision : Dismissed

Judgement

1. The accused/applicant seeks anticipatory bail in case FIR No. 1/2026 (60000013/2026) of PS Cyber Crime Branch for offence under Section 318(4)/319/340 BNS.

2. Broadly speaking, the prosecution case is as follows. The FIR was registered on the basis of statement of the complainant *de facto* that she and her husband were defrauded of Rs.29,17,000/-. Out of the said cheated amount, a sum of Rs.5,00,000/- was received in the bank account held by wife of the accused/applicant, which bank account was being operated by the present accused/applicant through his mobile phone. The said bank account was also used for receiving and transferring proceeds of crime during the period from 10.12.2025 to 16.12.2025. Approximately 16 NCRP complaints have been registered against the said account, which involve the cheated amount to the tune of approximately Rs.76,26,000/-. According to the complainant *de facto*, she was holding a joint bank account with her husband in Punjab National Bank and her husband was contacted by someone through Facebook. The said person created an investment

profile for her husband on UHNWI application with the help of his iPhone, creating a password 'Sahotas123'. The husband of the complainant *de facto* invested a sum of Rs.29,17,000/- in different bank accounts as advised. Subsequently, when the said application projected profits of Rs.3,00,00,000/-, husband of the complainant *de facto* sought to withdraw the said amount, but the alleged fraudsters demanded additional amount of Rs.49,77,544/-. That led to the complaint, registered as FIR.

3. Learned counsel for accused/applicant submits that accused/applicant himself is a victim of larger fraud in what was a loan transaction, since taking advantage of his greed for money, the main accused persons impressed upon him to open bank account and share the details with them in return for substantial profits. It is also submitted by learned counsel that even a formal contract was executed between the accused/applicant and the main accused persons. Learned counsel for accused/applicant submits that he even filed complaint under Section 173(4) BNSS in the court of CJM, Lucknow for registration of FIR against the main accused persons. It is submitted that wife of the accused/applicant, in whose name the subject bank account was in existence, has already been granted anticipatory bail. It is finally submitted that the accused/applicant is ready to join investigation.

4. Learned APP for State assisted by Investigating Officer/Inspector Subhash Chander strongly opposes the anticipatory bail application on the ground of gravity of offence and stage of investigation. It is submitted by Investigating Officer that as regards the demand of Rs.49,77,554/- (*which was raised by the alleged fraudsters at the time when husband of the complainant de facto opted to withdraw the profits*) had come from mobile phones operated from out of India with different VPNs, which is being investigated. It is also submitted by learned prosecutor that despite four notices, the accused/applicant did not join investigation, so non-bailable warrants have been obtained against him. It is submitted by learned APP for State that the complaint under Section 173(4) BNSS was filed by the present accused/applicant only as a shield, subsequent to freezing of his bank accounts. It is also submitted that none of the emails exchanged between the present accused/applicant and IIFCL depicts any loan transaction, which is the ground raised by the accused/applicant. It is submitted that custodial interrogation is necessary in order to unearth the complete expanse of the cyberfraud involving 16 more complaints against the bank account of the accused/applicant.

5. What is sought by the accused/applicant is anticipatory bail and not a regular bail. This distinction has to be kept in mind while dealing with the nature of offence involved. Such cyberfrauds, using social media platforms where the fraudsters impersonate as financial experts and induce victims to invest money on promise of exorbitant returns cause immense damage to not just the individual victims, but economy of the country as well. Granting anticipatory bail in such cases also would convey wrong signals across the society as if such

damage to the economy of the country can be taken lightly. Investigation into the vertical as well as horizontal expanse of such frauds is an extremely tedious job for the investigators.

6. The broad plea taken by the accused/applicant that he was lured by greed fails to convince. Merely on account of greed, a person cannot be allowed to cheat others. No reasonable explanation has been put forth from the side of the accused/applicant for having permitted a third party to use his bank account credentials. Rather, those bank account credentials were not even his, but of his wife. It is also not explainable as to why the accused/applicant would give his mobile phone number as the number for receiving OTPs pertaining to his wife's bank account. At this stage of dictation, it is submitted by learned counsel for accused/applicant that the said bank account was in the name of proprietorship concern, of which wife of the accused/applicant is the sole proprietor. The fact remains that it is his mobile phone number which was being used to operate that bank account.

7. On these aspects, investigation is continuing. As mentioned above, in order to unearth the vertical and horizontal expanse of the alleged cyberfraud, the requirement of custodial interrogation expressed by the Investigating Officer is not unjustified.

8. Therefore, I do not find it a fit case to grant anticipatory bail. This anticipatory bail application and the accompanying applications are dismissed.