$~38

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

% *Date of Decision: 23.09.2026*

\# **CNR No. DLHC010454422026**

\+ **BAIL APPLN. 4001/2026 & CRL.M.A. 29641/2026**

CHUNAWALA AATIF .....Petitioner

Through: Mr. Rohit Gautam, Ms. Khushbu Sinha and Mr. Kartik, Advocates

versus

STATE (NCT OF DELHI) & ANR. .....Respondents

Through: Mr. Amit Ahlawat, APP for State with SI Ritu

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks anticipatory bail in case FIR No. 23/2025 of PS Cyber, Shahdara for offence under Section 318(4)/319/340 of BNS.

2. Broadly speaking, the allegation against the accused/applicant is as follows. The present accused/applicant, through a web link on Telegram ID of the complainant *de facto*, induced her to like certain products in return of commission. Initially, the complainant *de facto* received a nominal commission, which gained her trust and she started investing money as allured by the accused/applicant. After some time, the accused/applicant

induced her to transfer more and more money under the pretext of higher commission, but later the account of the complainant *de facto* was blocked and so she was unable to withdraw money. The complainant *de facto* lost a sum of Rs.3,62,000/- approximately from her bank account and the said money was credited into the account of the present accused/applicant. The said amount was transferred to the bank account of the accused/applicant in two tranches and the same was withdrawn on the same day. According to prosecution, despite repeated notices, the accused/applicant did not join the investigation.

3. Learned counsel for accused/applicant submits that he is innocent and has been falsely implicated. It is submitted by learned counsel that the bank account in which the allegedly cheated amount was received is certainly held by the accused/applicant, but no criminality can be attached to the transaction, because he had innocently allowed his cousin (*whose name is not known to learned counsel*) to use that account. It is also submitted that no custodial investigation is required in this case because the entire evidence to be collected is documentary and digital in nature. Learned counsel for accused/applicant also submits that he is a young man with a family to support, so he deserves anticipatory bail. As regards the notices to join investigation, it is submitted by the learned counsel that the accused/applicant being a common man ignored the notices under impression that the same would have been sent by mistake to him, though on second notice, he took serious note but did not join investigation because of

lack of sufficient time.

4. Learned APP for State, assisted by IO/SI Ritu, accepts notice and strongly opposes the anticipatory bail application on the ground of gravity of the offence. It is informed by learned APP for State, on instructions of the IO, that recently one more complaint pertaining to the bank account of the accused/applicant has been received in Crime Branch, Bharuch, Gujarat. It is also submitted that custodial interrogation of the accused/applicant is necessary in this case in order to unearth the expanse of fraudulent activities of the accused/applicant and to trace out the trail of cheated amounts.

5. So far as the stand taken by the accused/applicant that he is merely holder of the concerned bank account and had innocently permitted his cousin to use the same, as mentioned above, even name of that cousin is not known. More importantly, it is the admitted position that despite having come to know that his bank account had been misused by his cousin, the accused/applicant till date has not lodged any complaint against his cousin. The alleged cousin *prima facie* appears to be a fictitious identity. Even otherwise, I find it difficult to believe that a person would hand over his bank account to anyone else in this manner. Further, nothing has been shown to establish even vaguely as to why the so called cousin of the accused/applicant could not open his own bank account. The accused/applicant, clearly was beneficiary of the allegedly cheated amount.

6. As regards the contention that the entire evidence is documentary, as

mentioned above, another complaint related to the bank account of the accused/applicant has been lodged. It is informed by learned APP for State that even in that complaint, the credited defrauded amount was withdrawn on the same day. I find the request of the IO justified for custodial investigation in order to unearth the quantum and trail of the cheated amount as well as the expanse of the cyberfraud.

7. The courts have to be conscious about the growing trend of such gross abuse of technology in which innocent persons get trapped and lose their hard earned money, which is at times, even the retirement benefits of senior citizens. Grant of anticipatory bail in such cases would also send wrong signals to the society at large.

8. In view of the aforesaid, I do not find it a fit case to grant anticipatory bail. Therefore, the anticipatory bail application and pending application are dismissed.

GIRISH KATHPALIA

Digitally signed by GIRISH KATHPALIA
DN: c=IN, o=HIGH COURT OF DELHI, 2.5.4.20=8401dd889b27a77b2f65ffffe4afec45569af3962c6fb4835d435f97626cacca, ou=HIGH COURT OF DELHI,CID - 7047638, postalCode=110003, st=Delhi, serialNumber=d3e86796451ec45c07b5d15570996b40f80cbd2eee60402c487965ff801e26fa, cn=GIRISH KATHPALIA
Date: 2026.09.23 16:59:22 +05'30'

GIRISH KATHPALIA
(JUDGE)

SEPTEMBER 23, 2026/*as*

Signature Not Verified
Digitally Signed By:RAHUL YADAV
Signing Date:23.09.2026 17:00:23