

Bail Matter: 286/2026
State Vs. Ankur Malik
FIR No. 08/2025
PS: Cyber Cell
U/s: 318(4)/319(2)/336(3)/ 337/314/
338/340(2)/316(5)/61(2) of BNS

10.04.2026

**ORDER ON APPLICATION FOR GRANT OF BAIL FILED
ON BEHALF OF THE APPLICANT/ACCUSED ANKUR
MALIK**

1. This order of mine shall dispose of an application for grant of regular bail filed on behalf of the applicant/accused Ankur Malik.
2. I have already heard Ld. Counsel for the applicant/accused and the Ld. Addl. Public Prosecutor for State.
3. Sh. Manish Kumar Singh, Ld. Counsel for the applicant/accused has submitted that the applicant/accused was arrested in the present case on 22.07.2025 and since then, he is in judicial custody. The applicant/accused has been falsely implicated in the present case, as he has nothing to do with the alleged crime in question. Ld. Counsel has also submitted that in the present case, no sanction whatsoever has been taken by the investigating agency, as mandated under Sec. 218 of BNSS. In the present case, investigation qua the present applicant/accused is complete and chargesheet has already been filed.
4. Ld. Counsel has also submitted that as per the chargesheet, the applicant/accused had induced the bank for release of funds, however, it is incorrect as he did not dishonestly induce the bank to deliver any property. All the applications in

this regard were filed by co-accused Reetika and the funds were released in compliance of the directions of the Hon'ble Court into the bank account mentioned in the said applications. Ld. Counsel has also submitted that the applicant/accused is no more required for custodial interrogation in the present case, as chargesheet has already been filed in the present case and it may take long time in completion of the trial.

5. Ld. Counsel for the applicant/accused further submitted that the applicant/accused was posted as Sub Inspector in Delhi Police and currently under suspension, therefore, there is no chance of fleeing away from justice. The applicant/accused is not even previously involved in any criminal case, nor he is previously convicted in any criminal case. Ld. Counsel has also submitted that in the present case, all the co-accused persons have already been granted bail and prayed for grant of bail, as the applicant/accused undertakes to appear on each and every date of hearing, if he is released on bail in the present case and he also undertakes to abide by all the terms and conditions, as imposed upon him. In support of his submissions, he has referred the judgment of **Sheila Sebastian v. R. Jawaharaj, Criminal Appeal No. 359/2010; Nadeem Chaudhary v. State of NCT of Delhi, Bail Appln. 39/2022; Deepak Yadav v. State of U.P., (2022) 8 SCC 559 and Raghav Thakur v. State, Bail Appln. 1397/2023.**

6. On the other hand, Ld. Additional Public Prosecutor for the State has vehemently opposed the present application for bail and submitted that modus operandi of the applicant/accused is to be seen, as the applicant/accused misused his official capacity and by hijacking the whole system, cheated with the bank. By the

said act, the applicant/accused has committed not only cheating but also perjury with the Hon'ble Court, not only in the present case, but two more cases also. He has also submitted that gravity of the offence is also to be seen, as the applicant/accused, by committing such offences, has victimized the society at large. This is not a simple case of cheating, the applicant/accused has cheated the Hon'ble Court by misusing his official capacity.

7. Ld. Addl. PP for the State has also submitted that in the present case, the applicant/accused has committed the offences U/s. 318(4)/319(2)/336(3)/337/314/338/340(2)/316(5)/61(2) of BNS alongwith the co-accused persons. In the present case, cheating of huge amount to the tune of Rs.15,20,000/- has been committed, after committing forgery. He had also submitted that there are documentary evidence against the applicant /accused, which shows that the applicant/accused has played active role with co-accused persons in commission of the crime in question, therefore, there is possibility of hampering with the witnesses and tampering with the evidence. Possibility of fleeing away from justice also cannot be ruled out, if the applicant /accused is released on bail at this stage, so, he does not deserve the concession of bail and prayed for dismissal of the present application under consideration.

8. As per the reply filed by the IO, the present applicant/accused is the main accused in the present case and he has played very active role with co-accused persons. After analysis of the financial records of the present applicant/accused, the portions of the cheated money were credited in the personal bank account (salary account) of the present applicant/accused.

There is CDR connectivity and WhatsApp chats between the present applicant/accused and co-accused persons.

9. I have given thoughtful consideration to the submissions made by counsel for this applicant/accused and Ld. Additional Public Prosecutor for State and perused the record.

10. As per the chargesheet, in the case in hand, cheating of huge amount to the tune of Rs.15.20 lakhs is alleged to have been committed, after committing forgery. As per the prosecution story, in another case of cheating which was pending before the Ld. CJM, an application for withdrawal of cheated amount was moved. However, it came to the notice that the complainant therein had never moved any such application and the signatures on the said application appeared to be forged. The said application was moved by one of the co-accused, namely, Reetika, who is a practicing advocate. It was specifically asked by this court from the IO, as to who had signed the application, however, IO was not sure and he had replied that it was signed either by the present accused Ankur Malik or by co-accused advocate Reetika. To a specific query, the IO further stated that the FSL result, regarding the signatures on the said application is still pending. Unless and until, the FSL result is received, it cannot be ascertained as to who had actually signed the said application, whether it was Ankur Malik or Advocate Reetika. Thus, unless and until, the FSL result is received, the trial cannot commence and even charges cannot be framed, so long as FSL result is pending. IO has informed that it is not clear as to when the FSL result will be received, as no tentative date has been given by the FSL for providing the FSL result.

11. Thus, what to say about conclusion of trial, it may take some time even for the commencement of the trial. The applicant/accused is in judicial custody since, 22.07.2025 and no previous involvement of the applicant/accused is found on record. As per the chargesheet, the prosecution has cited 27 witnesses.

12. Further, it is worth noticing that in the present case, there are five accused persons, out of which, three are already on bail, whereas, one of the co-accused namely, Reetika was not even arrested and she was bound down. Thus, only the present applicant/accused is in custody. The involvement of co-accused Reetika prima facie appears to be not much less than the present applicant/accused, as she was the one who had actually moved that application in the court and as per the IO, the signatures on the application could have been done by co-accused Reetika. Despite that, she was not even arrested by the IO for the reasons best known to him.

13. Another argument raised by Ld. Counsel for the applicant/accused was that no sanction was obtained from the competent authority before prosecuting the present applicant /accused. Although, whether the sanction is actually required or not shall be considered by the Ld. Trial Court at the appropriate stage, but at the stage of bail, this argument cannot be ignored altogether as in the chargesheet itself, it has been mentioned that the present applicant/accused has abused his official position to orchestrate a fraudulent court order. The consequences of pre-trial detention are grave and keeping an under-trial in custody would necessarily impact his/her right to defend himself/herself

during trial.

14. It is now well settled that an accused on bail is in much better position to defend his case than the one who is in custody. Even otherwise, an accused cannot be kept in custody for an indefinite period, when it is not clear as to when, the trial will commence.

15. The Hon'ble High Court of Delhi in case, **Nadeem Chaudhary Vs. State of NCT of Delhi** (Bail Application No. 39/2022) has observed that:

“The object of Jail is to secure the appearance of the accused persons during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment. The applicant cannot be made to spend the entire period of trial in custody specially when the trial is likely to take considerable time. The presence of the accused can be secured at the time of trial by putting appropriate conditions”.

16. The Hon'ble High Court of Delhi relying upon the case, **Deepak Yadav V. State of U.P.**, (2022) 8 SCC 559 has observed that:

“Moreover, it is settled law that this Court at the stage of granting bail to the applicant is only to look into the (i) the nature and gravity of the offences/charges coupled with the severity of punishment in case of conviction; and (ii) if there is any chances of the accused absconding once out of bail; and (iii) if there is a reasonable apprehension of the accused influencing the witnesses or tampering the records when released on bail; and (iv) the past conduct and previous record of the accused as he should neither be a threat to the society of which he is going to be a part of once again nor there should be any change of his repeating the same or indulging in any other offence; and (v) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; and (vi) behaviour, means, position and standing of the accused in the society”.

17. The Hon'ble High Court of Delhi in another case, **Raghav Thakur Vs. State** (Bail Application No. 1397/2023) has also observed that:

“The object of keeping a person in custody is to ensure his availability to face the trial and to receive the sentence that may be passed. Apart from the seriousness of the offence, other factors also have to be borne in mind while considering the bail application. Delay in commencement and/or conclusion of trial is also to be taken into account and the accused cannot be kept in custody for indefinite period, if the trial is likely to take long time”.

18. So far as the apprehension regarding intimidation to the witnesses is concerned, appropriate conditions can always be imposed upon applicant/accused in order to allay the apprehension raised by prosecution. Even otherwise, the present applicant/accused has already been suspended and the evidence in the present case is mostly documentary in nature.

19. Considering the facts and circumstances of the present case and the fact that the investigation is complete and chargesheet has already been filed and it will take some time in completion of the trial, as even FSL result has not been received and the case is still at the stage of arguments on charge, all the offences mentioned in the chargesheet are triable by Ld. Magistrate and prosecution has cited 27 witnesses. Moreover, considering the fact that three of the co-accused persons are already on bail and one of the co-accused namely Reetika was not even arrested, and the present applicant/accused is the only one who is in custody. Thus, the applicant/accused Ankur Malik

is ordered to be released on bail on furnishing personal bond in the sum of Rs.50,000/- each with two sureties of like amount to the satisfaction of the Ld. JMFC/Ld. Duty JMFC/ Ld. Link JMFC and also subject to the following conditions:

- (1). He will not come in contact with any of the witnesses of the prosecution.
- (2). He will not tamper with the evidence of the prosecution.
- (3). He will not indulge in any criminal activity of similar nature in future.
- (4). He will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the court or the IO.

20. In case, if he violates any of the above conditions, the prosecution will be at liberty to file application for cancellation of bail of this accused.

21. In the above said terms, the present application for grant of bail filed on behalf of the applicant/accused Ankur Malik stands **allowed**.

22. Dasti copies of this order be provided to the parties.

23. Attested copy of this order be also sent to the Superintendent of Central Jail concerned for supplying the same to this applicant/accused.

(PUNEET PAHWA)
Special Judge (NDPS)/Addl. Sessions Judge/
North East/KKD Courts/Delhi/10.04.2026