

IN THE COURT OF SPECIAL JUDGE:
PC ACT (CBI) - 04, ROUSE AVENUE DISTRICT COURTS,
NEW DELHI

Bail Matter No. 64/2026

CBI Vs. Suraj Shrivastava (Accused/Applicant) S/o Ajay
Shrivastava

PS IOD, CBI Delhi.

RC 2312026S0005

U/s 61 r/w Section 318/336/340 of BNS & 66D of IT Act

18.03.2026

Present : Ms. Anjali Gupta, Sh. Hemant Gupta and Mr. Ritik,
Ld. Counsel for applicant/accused Suraj Shrivastava

Sh.Hari Mohan, Ld. Sr. P.P for CBI/non-applicant.

IO/Inspector Sunil Kumar Sharma, IOD/CBI.

This is the application under Section 483 of BNSS
2023 moved on behalf of accused/applicant **seeking regular bail.**

Reply is filed by CBI to the aforesaid application.

Copy supplied.

Arguments are also heard on behalf of the parties at
length.

Written arguments are also filed on behalf of
accused.

ORDER

1. It is inter alia, pleaded on behalf of the applicant that the applicant is peace loving and law-abiding citizen of India (copy of the Aadhaar card is annexed as Annexure- A1). It is further pleaded that the earlier bail application preferred by the applicant was dismissed vide order dated 26.02.2026 by the Ld. ACJM, Rouse Avenue, New Delhi. (Copy of the said order is annexed as Annexure A-2.

It is further pleaded that the applicant has been wrongfully implicated in the present FIR. He has neither committed any offence nor possessed any knowledge direct or indirect of any alleged illegal or unlawful activities. He was arrested on 02.02.2026 and was remanded to police custody for two days till 05.02.2026. Thereafter, the applicant was sent to Judicial custody for 14 days. The custodial interrogation of the applicant already stands completed and no further useful purpose would be served by his continued detention.

1.1 It is further pleaded that as per the allegations during the period from September, 2024 to March, 2025, the main accused persons namely Rahul Gupta and Rajitha K.V. in conspiracy with each other and the unknown others created a fake website under the domain name 'https://eservicemoi-kw.com' linked to Priya Kumari, resembling the legitimate portal of Ministry of Interior in Kuwait which deals with Kuwaiti e-Visa system. The said accused persons allegedly lured 431 victims (Indian nationals) during the period 2024-25 by

advertising their contact numbers on social media. The said victims contacted the said main accused persons. **During the conversation,** the said accused persons further induced the victims under the guise of providing them jobs in reputed Kuwaiti companies in exchange for money. On being induced by the accused persons operating under pseudonymous identities, the victims shared copies of their passports and personal particulars to the accused persons on their mobile numbers through WhatsApp. Subsequently, the accused persons shared copies of fake offer of appointments in Kuwaiti companies and Kuwaiti e-visas. The victims deposited money in the bank accounts shared to them by the accused persons through WhatsApp messages.

1.2 It is further pleaded that the applicant in January 2025, came across an advertisement/post offering a part time earning opportunity on a social media platform, namely Facebook. The applicant was instructed to join a Telegram Group purportedly created for the part-time job contained Likes and Review the products for Marketing purpose. The applicant joined the said group under a bona-fide belief that the activity was lawful in nature. It is further pleaded that the applicant/ accused has been informed and led to believe that the work initially involves for 'likes' and 'review' the products . The applicant neither attended any physical or virtual training nor any real time interaction, personal meetings with anyone, they merely guided and gave instructions exclusively digital by some name such as Ms. Priya/

Priyanka/ Kavita etc. via Telegram Mobile Application. Thereafter, in July 2025, the Applicant was instructed through the same Telegram group by one Admin contact, namely Ms. Priya and others to perform an online emailing assignment relating to candidates who were purportedly offered employment abroad. The applicant was informed and instructed that his role was limited to sending emails containing job offer letter and attaching documents such as E-tickets, E-visas, and other relevant papers, as provided to him through the said Telegram group, in relation to foreign Job Placements.

1.3 Further, it is pleaded that the applicant was specifically instructed to ensure prior to sending such emails that the concerned candidate had already made the requisite payment towards ticketing and E-visa expenses strictly as per the Job location. In case of non-payment , applicant has to share QR Code to candidates/ victims, which was earlier received from Telegram Group chats namely Ms. Priya/ Priyanka and others. In that chat QR code was shared and was asked to make sure the confirmation from the Candidates/victims . He was strictly commanded to delete the chat for concern to avoid any kind of financial fraud. Thereafter, the applicant merely forwarded the Emails to the concerned Candidates/ victims without any further involvement. The applicant received a nominal remuneration of approximately sum of Rs. 15000/- only paid via different UPI/transactions for the said work. During the entire period, the applicant had no reason whatsoever to suspect any illegality in

said work as freelance-based earning models involving Emailing activities are widely prevalent and legally recognised in the ordinary course of business.

2. The applicant/accused seeks regular bail on the following grounds:

i. That the Applicant is a law-abiding citizen and a permanent resident of the stated address having deep roots in society. There is no likelihood of the applicant absconding or evading the due process of law.

ii. That the applicant has fully cooperated in the investigation prior to and after his arrest and made best efforts by navigating the police about his laptop and phone which he generally used for his emailing work etc. He appeared and co-operated with the investigation in pursuance to the notices issued to him by the I.O. {copy of witness notice u/s 179 BNSS as Annexure-A3 (colly) }

iii. That the CBI failed to follow the well-settled principles of law and mandatory compliance of notice under section 35 of BNSS (erstwhile section 41A Criminal Procedure Code). Reliance is placed upon judgments of Hon'ble Supreme Court in **Satender Kumar Antil V. CBI & Anr (2022) 10 SCC 51**, **Siddarth V. State of U.P (2022) 1 SCC 676** and **Court of It Own Motion V. CBI (2004) 109 DLT 494**, **D.K. Basu V. State of West Bengal, AIR 1997 SC 610**.

iv. That the evidence in the present case is electronic or documentary in nature which has been already been seized by the CBI. Hence, there is no likelihood of tampering with the evidence.

v. That the Bail is a Rule and Jail is an Exception. The reliance in this regard is placed upon the judgments viz; Dataram Singh V. State of U.P & Anr, Criminal Appeal 227/2018, Naresh Kharab V. State 2014, Law Suit (Del) 4610.

vi. Further, reliance is placed upon judgments viz; **Sanjay Chandra V. CBI, 2012 (1) SCC 40, P. Chidambaram V. CBI (2020) 13 SCC 337 and Niranjana Singh & Anr. V. Prabhakar Rajaram Kharote & ors (1980) 2 SCC 559.**

vii. That co-accused Rahul Gupta and Rajitha K.V were having primary operational role as per the FIR who contacted the victims over phone and induced them for extracting money in the name of providing jobs in reputed Kuwaiti Companies. As per the Investigating Authority itself, they have recovered 59 Sims cards from the search of premises of Rahul Gupta. However, neither Rahul Gupta and co-accused Rajitha K.V have been arrested till date.

viii. That no victim ever contacted the applicant directly which shows that he had no direct interaction with the victims. There is no recovery of money/proceeds of crime from the applicant/accused herein.

3. In support of the above-pleas and grounds, Ld. Counsel(s) for accused/applicant argued that the FIR is silent with respect to the specific role or allegations against the accused/applicant herein. Rather, the FIR alleges that one Rahul Gupta and Rajitha K.V being the master-mind in the present case. The accused /applicant merely joined them as an employee in January 2025 and had no knowledge about their alleged crime. He was merely being paid Rs.15,000/- per month.

3.1 It is further argued that the Investigating Authority has claimed that no incriminating evidence has been found against Rahul Gupta and Rajitha K.V despite they being named in the FIR and recovery of 59 SIMs and two phones from Rahul Gupta.

3.2 It is further argued that the applicant herein was called to join the investigation as a witness on 30.01.2026 by issuance of notice in this regard. He joined the investigation and was directed to appear on 03.02.2026 for further investigation, but despite that he was arrested on 02.02.2026. The said fact reflects that there is no question of the accused being on flight risk.

3.3 It is also argued that no further recovery is to be effected from the accused/applicant and the entire documentary evidence is already in custody of Investigating Authority. Hence, no purpose will be served by keeping the accused behind the bars.

3.4 In support of the pleas/arguments, Ld. Counsel(s) further placed reliance upon the judgments viz; **Gulfisha Fatima**

V. State (Govt of NCT of Delhi), SLP (Crl.) No. 013988/2025, Rekha Jain V. State of Karnataka (2022) 18 SCC 174, State of Kerala V. A. Pareed Pillai (1972) 3 SCC 661, Arvind Dham V. ED 2026 INSC 12, Manish Sisodia V. ED 2024 SCC OnLine SC 1920 and Arjun Jain V. NCT of Delhi, Bail Application No. 4014/2025.

4. *Per contra*, in the reply filed by the CBI, it is, pleaded that present RC has been registered by CBI, International Operations Division, New Delhi on 28.01.2026 U/s 61 r/w 318, 336 and 340 of BNS, 2023 and Section 66D of IT Act, 2000 against Rahul Gupta, Rajitha K.V. and unknown others, on the basis of complaint filed by Shri Ashok Kumar Mahail, the then Inspector, CBI, IOD, New Delhi.

Allegations

4.1 It is further pleaded that during 2024 to March, 2025, the accused persons namely Rahul Gupta and Rajitha K.V. in conspiracy with each other and with unknown others created a fake website under the domain name "https://eservicemoi-Kw.com" linked to Priya Kumari, closely resembling the legitimate portal of the Ministry of Interior in Kuwait which deals with Kuwaiti e-VISA system. In pursuance of the said criminal conspiracy, they lured 431 victims (Indian nationals) during the period 2024-2025 by advertising their contact numbers on social media.

4.2 Further, the victims were lured by Rahul Gupta and Rajitha K.V. and others through their given phone numbers. During conversation the accused persons induced the victims under the guise of providing them jobs in reputed Kuwaiti companies in exchange for money. On being induced by the accused persons operating under pseudonymous identities, the victims shared copies of their passports and personal particulars to the accused persons on their mobile numbers through WhatsApp. Subsequently, the accused persons shared copies of fake offer of appointments in Kuwaiti companies and Kuwaiti e-VISAs. Further as demanded by the accused persons, the victims deposited money in the bank accounts shared to them by the accused persons through WhatsApp messages.

Investigation

5. It is further pleaded that after registration of case, premises of accused Rahul Gupta at H.No.16/17, C Block, Deyalpur Tukmeerpur, Delhi and other accused persons were searched on 30.01.2026. The Investigating Agency seized two mobile phones containing incriminating material and 59 SIM Cards of different service providers from the possession of the accused Rahul Gupta. During search proceeding, it was revealed that QR codes of the beneficiary bank accounts for receiving the proceeds of crime from the victims, were shared to the victims by Suraj Srivastav (**accused/applicant herein**). Accordingly, the residential premises of accused/applicant too was searched on the same day and two laptops, one mobile phone and one computer hard disk

containing incriminating materials were seized by the Investigating Authority. The incriminating material available in the laptops of accused/applicant was retrieved in a separate memory card.

5.1 The analysis of the incriminating contents/materials retrieved from the laptops of accused/applicant herein revealed that it contained voluminous data of fake e-VISAs issued to Indian nationals of different state, fake appointment letters purportedly issued by the company HOT Engineering & Construction Co. KSCC, Kuwait to the various persons of different states (Indian nationals), letter Head of HOT Engineering & Construction Co. KSCC, Advertisement of HOT Engineering & Construction Co. KSCC for providing job overseas, details of victims for job in Kuwait, Aadhar Cards, PAN cards of individuals, visiting card of Priya Kumari, Kavita etc of the company HOT Engineering & Construction Co. KSCC. It also transpired that accused/applicant herein has been creating fake documents by interpolating the data in the computer system and by inserting the particulars and photographs of pseudonymous persons. The copies of emails sent to the victims Mr. Ashfak Ahmed Dharwad, Mr. Shekhar Vepula, Mr. Uttam Das and Mr. Vineeth Vijayannair through email id job.kuwait.moi.kw@gmail.com were also found in the data retrieved from the laptop of accused/applicant. **The accused was interrogated regarding the above-stated material, but he did**

not cooperate with the investigation and gave evasive replies. Accordingly, accused/applicant was arrested on 02.02.2026.

Role of the Accused/applicant.

6. It is further pleaded that as per investigation, accused/applicant in conspiracy with other accused persons was found to be operating from an illegal online portal specifically created by them to target the victims under guise of providing them Kuwaiti E-Visa and offer for appointments for working in leading Kuwaiti Companies. The applicant shared fake Kuwaiti E-Visa and fake offer of appointments purportedly issued by Kuwaiti Companies.

6.1 It is further pleaded that the investigation of the case is at very crucial stage. **The identities of other accused persons are to be ascertained. The flow of crime proceeds from Indian victims to accused persons too is being ascertained.** The accused/applicant is found involved in serious transnational cyber enabled financial crime. **The crucial witnesses are yet to be examined and material evidence is yet to be collected.** There is strong likelihood of accused applicant, if released on bail, will influence important witnesses and tamper with the evidence.

6.2 Other pleas made in the application have been denied para-wise by the CBI. Hence, prayer is made to dismiss the present application.

7. Ld. Sr. PP for CBI assisted by the I.O has vehemently opposed the present application by arguing that the present case entails serious consequences as 431 victims have been duped which are located in 22 States of India. It is further argued that the role of the applicant surfaced during investigation and a plethora of incriminating material has been found during house-search conducted at his premises on 30.01.2026. As far as accused Rahul Gupta and Rajitha K.V are concerned, it is stated that they have joined the investigation and co-operated.

7.1 It is further argued that the investigation is at initial stage and they are yet to examine the victims in the present case. Therefore, there is possibility of the witnesses being influenced.

8. Heard and considered the record.

9. The legal principles governing the exercise of the discretion of granting bail earlier under Section 439 Cr.P.C (now u/s 483 BNSS 2023) have been enunciated by the **Hon'ble Supreme Court in series of cases**. The famous triple test came to be considered in judgment in case titled **P. Chidabaram vs CBI (2019)13 SCR 985**. The relevant para is reproduced hereunder for the sake of convenience:

“22. The jurisdiction to grant bail has to be exercised on the basis of the well-settled principles having regard to the facts and circumstances of each case. The following factors are to be taken into consideration while considering an application for bail:- (i) the nature of accusation and the severity of the punishment in the case of conviction and the nature of the materials relied upon by the prosecution; (ii) reasonable apprehension of

tampering with the witnesses or apprehension of threat to the complainant or the witnesses; (iii) reasonable possibility of securing the presence of the accused at the time of trial or the likelihood of his abscondence; (iv) character behaviour and standing of the accused and the circumstances which are peculiar to the accused; (v) larger interest of the public or the State and similar other considerations (vide Prahlad Singh Bhati v. NCT, Delhi and another (2001) 4 SCC 280). There is no hard and fast rule regarding grant or refusal to grant bail. Each case has to be considered on the facts and circumstances of each case and on its own merits. The discretion of the court has to be exercised judiciously and not in an arbitrary manner. At this stage itself, it is necessary for us to indicate that we are unable to accept the contention of the learned Solicitor General that “flight risk” of economic offenders should be looked at as a national phenomenon and be dealt with in that manner merely because certain other offenders have flown out of the country. The same cannot, in our view, be put in a straight-jacket formula so as to deny bail to the one who is before the Court, due to the conduct of other offenders, if the person under consideration is otherwise entitled to bail on the merits of his own case. Hence, in our view, such consideration including as to “flight risk” is to be made on individual basis being uninfluenced by the unconnected cases, more so, when the personal liberty is involved.....”

10. In the light of the above said settled preposition of law governing the exercise of jurisdiction of grant of bail under 439 Cr.P.C/ 483 BNSS 2023, the issue which requires to be seen is whether the case of the applicant is satisfied on the above discussed test or not and the nature of the accusations against him.

11. The first and foremost aspect to be considered is role of the applicant when seen in light of the fact that the applicant herein is not named in the FIR. **The primary accused**

named in the FIR are Rahul Gupta and Rajitha K.V and one Priya Kumari. But, none of the said accused persons have been arrested and the reason for the arrest of accused/applicant is the seizure of incriminating material during his house-search as pleaded in Para-4 and 5 of the reply.

11.1 At this stage, the merits of the said recovery does not require a detailed discussion. However, the sequence of events which led to the arrest of the accused/applicant herein requires consideration keeping in view the fact that the other accused persons who are named in the FIR are not arrested yet.

11.2 It is reflected from the Case Diary that during the house-search of main accused Rahul Gupta on 30.01.2026, the name of accused/applicant herein cropped up and accordingly, his house was also searched which led to recovery of two laptops, incriminating material in the said laptops. **It is also reflected from Supplementary Case Diary No.1 dated 30.01.2026 that notice was issued to accused/applicant herein after his interrogation on 30.01.22026 for appearing before Investigating Authority on 03.02.2026.** But without waiting for the compliance of the said notice purportedly issued under Section 179 BNSS 2023, he was arrested on 02.02.2026 at 3:00 p.m from his residence.

The check list under Section 35 BNSS 2023 records the reasons for arrest and the prime reason appears to be that he did not disclose the names and whereabouts of other offenders

involved in creation fake appointment letters and fake E-Vias for Kuwait as well as flow of crime proceeds requiring his custodial interrogation.

11.3 **No explanation is furnished as to why after recording the Supplementary Case Diary No.1 dated 30.01.2026 subsequent to his interrogation and the decision being taken to again call him on 03.02.2026, what prompted the Investigating Authority to take a sudden U-turn and effect the arrest of accused/applicant herein on 02.02.2026 . The grounds of arrest and reasons for arrest were available with the investigating authority on 30.01.2026 itself .**

12. As far as the other accused persons are concerned who are named in the FIR i.e Rahul Gupta and Rajitha K.V, they have also been examined during investigation, wherein Rahul Gupta has claimed that he was acting under the direction of accused/applicant herein. The said version of Rahul Gupta is yet to be verified through the version of victims as well as other suspects. **The Case Diary reflects that till date not a single victim out of 431 victims has been examined.**

12.1 A query has also been put to the Investigating Officer as to the owner of the domain name 'https://eservicemoi-kw.com' and email ID job.kuwait.moi.kw@gmail.com, and it is stated by him that the said fact is yet to be investigated. Similar response appears to be with respect to the other emails used in the present case through which the fake job letters were exchanged with the

victims. The said aspects of the investigation will establish the identity of the main culprits. **But surprisingly, instead of starting the investigation with the said aspect, the call has been taken with respect to the arrest of one of the offenders.**

13. In the said backdrop, it has to be observed that though the allegations against the accused/applicant herein are serious, but he stands on the similar footing with other accused persons as named in the FIR and when seen in the said backdrop as well as the fact that the material investigation in the present case is yet to be conducted qua the identity of main culprits, no useful purpose would be served by keeping the accused/applicant herein behind the bars.

14. There is no apprehension of accused/applicant being at flight risk, as is reflected from the Case Diaries referred above. He co-operated during the search conducted at his premises and while seizure of the incriminating articles. He was arrested from his residence only on 02.02.2026 without waiting for the compliance of the notice issued for 03.02.2026.

15. As far as the claim of Investigating Authority that he did not co-operate in the investigation by not disclosing the identities of other accused persons or flow of proceeds of the crime, the aspect has to be seen in light of the Right of the Accused to remain silent under the Constitution. The very said aspect has recently been considered by the Hon'ble Delhi High Court **Ravjeet Singh V. CBI, Bail Application No.328/2026**

Dated 12.03.2026. The relevant Para-9 is reproduced hereunder for the sake of convenience:-

“9. The ground on which the anticipatory bail is opposed that the accused/applicant would not cooperate in the interrogation is, to say the least, a vague and unacceptable ground. Merely because an accused is smart in responding to the questions of the interrogator, it cannot be said that he is not cooperating in the interrogation. Nobody is under a duty not to be smart. It is the interrogator who has to be smarter in order to elicit the requisite information. It is nobody’s case that CBI apprehends that once granted anticipatory bail, the accused/applicant would flout the notice to join investigation or, much less, that he would flee.”

16. Coming to the last aspect of the apprehension of the Investigating Authority of influencing the witnesses as the victims are yet to be examined. It is already reflected from the record till date none of victim out of alleged 431 victims has been examined despite lapse of more than one and half month since the arrest of accused/applicant. Even otherwise, the said apprehension can be taken care of by putting appropriate condition in this regard.

17. In view of the above facts and circumstances, the **accused/applicant Suraj Shrivastava is admitted to regular bail on furnishing personal bond in the sum of Rs. 50,000/- with one surety in the like amount to the satisfaction of the Ld. CJM/ACJM concerned on the following conditions:**

- I. The applicant/accused shall not directly or indirectly try to contact or influence the prosecution witnesses or tamper with the evidence. He shall not try to contact in any manner any of the claimed 431 victims in the case .**

- II. The applicant/accused shall not leave the country without permission of the Ld. Trial Court.
- III. The applicant/accused shall intimate the Ld. Trial Court about the change of address if any during the period of bail.
- IV. The applicant shall co-operate with the investigation as and when required by the IO.
- V The applicant/accused shall regularly appear in the court during the trial.
- VI. Violation of any of the conditions shall result in cancellation of his bail.

A copy of the bail order be sent to Jail Superintendent and DLSA.

A copy of the order be also given Dasti to the parties.

It is clarified that nothing expressed herein shall have any bearing on merits of the case.

Announced in the Open Court
on 18.03.2026

(GAGANDEEP SINGH)
Special Judge, PC Act, CBI-04
RADC, New Delhi