

06.07.2026

Present : Sh. Mukul Kumar, Ld. Addl. PP for the State.
Sh. Gaurav Arya, Sh. Naveen Bamel and Sh. Manav Trivedi, Ld.
Counsels for the applicant/accused.
IO Inspector Nishant Dahiya is present.

A) BRIEF

1. The present application under Section 483 BNSS has been filed by the applicant seeking regular bail in the above-mentioned FIR.
2. The present FIR was registered on the complaint of Padget Electronics India Pvt. Ltd. alleging unauthorized access to its computer systems and theft of a Hardware Security Dongle (HSD), an essential component used in its manufacturing process. **It is alleged that the accused persons, in conspiracy with an insider, illegally gained remote access to the complainant company's systems through applications such as AnyDesk/UltraViewer and compromised its confidential technological infrastructure.**
3. During investigation of connected FIR No.123/2026, the present applicant allegedly disclosed his involvement in the present occurrence, pursuant to which he was formally arrested in this case **after obtaining permission from the Court.** According to the prosecution, the applicant procured unauthorized access through an employee of the complainant company and further shared such

access with his associates, including one residing in Bangladesh. Investigation is stated to be in progress and efforts are being made to apprehend other co-conspirators and collect electronic evidence.

B) ARGUMENTS OF LD. COUNSEL FOR THE ACCUSED

1. Learned counsel for the applicant submits that the present FIR is a successive FIR arising out of the same complaint on the basis of which FIR No.123/2026 was already registered and, therefore, the present prosecution is legally unsustainable. It is argued that the applicant has already undergone custodial interrogation in both FIRs and no further custodial interrogation is required.
2. It is further submitted that the applicant has been falsely implicated; he was never an employee of the complainant company and there was no entrustment of the alleged Hardware Security Dongle to him. Consequently, Sections 303(2) and 316(2) BNS are stated to be inapplicable. It is further argued that the remaining offences are bailable in nature and that the applicant has already been granted bail in FIR No.123/2026. Reliance has been placed upon **Arnab Ranjan Goswami**, **Babubhai**, **Arnesh Kumar** and other judgments of Hon'ble Apex Court.

C) ARGUMENTS ON BEHALF OF STATE

1. Per contra, learned Additional PP has opposed the application contending that the applicant is an active participant in an organized cyber conspiracy involving unauthorized intrusion into the complainant company's systems and theft of a Hardware Security Dongle. During interrogation, the applicant allegedly disclosed that he had procured unauthorized access through a compromised employee and shared such access with his associates for illegal use.

2. It is submitted that investigation is still in progress; several co-conspirators are absconding and electronic evidence is yet to be collected and analysed. In view of the nature of digital evidence, there is every likelihood that, if released on bail, the applicant may tamper with evidence, influence witnesses or hamper further investigation. It is further submitted that the earlier bail application of the applicant was dismissed by the learned ACJM and no change in circumstances has occurred thereafter.

D) OBSERVATIONS OF THE COURT

1. I have heard the rival submissions and perused the record.
2. The allegations against the applicant disclose prima facie involvement in a planned cyber conspiracy involving unauthorized access to the computer systems of the complainant company and theft of a Hardware Security Dongle forming part of its manufacturing infrastructure. The prosecution has attributed a specific role to the applicant in obtaining unauthorized access through an insider and sharing the same with other associates. The investigation is admittedly continuing and other accused persons are yet to be apprehended.
3. The contention regarding the present FIR being a successive FIR, as well as the applicability of Sections 303(2) and 316(2) BNS, raises disputed questions which cannot be conclusively adjudicated at the stage of bail. Likewise, the judgments relied upon by the applicant are distinguishable on facts and do not persuade this Court to grant bail in the peculiar facts of the present case.
4. The plea of parity is equally untenable. No parity can be claimed with the bail granted to accused Humayun Pasha in FIR No.123/2026. In

the said case, that accused had initially been arrested for bailable offences and Section 66F of the Information Technology Act was added subsequently, whereupon the Court had prima facie observed that Section 66F was not attracted. The facts and circumstances of the present case are materially different.

5. The offences alleged are grave in nature. Organized attack on manufacturing companies not only affect the victim enterprise but also have wider economic consequences. Such offences have the potential to adversely affect foreign investment and foreign manufacturing orders received by Indian companies, thereby impacting industries that generate employment for thousands of persons. Economic and cyber offences of this nature, therefore, deserve a cautious approach while considering bail.
6. Considering the seriousness of the allegations, the specific role attributed to the applicant, the stage of investigation, the involvement of absconding co-conspirators and the possibility of tampering with electronic evidence or influencing witnesses, this Court is not inclined to exercise discretion in favour of the applicant at this stage particularly when the investigation is still going on.

E) FINAL ORDER

1. In view of the aforesaid discussion, this Court is of the considered opinion that no case for grant of regular bail is made out.
2. **Accordingly, the present bail application is dismissed.**
3. Nothing observed herein shall be construed as an expression on the merits of the case and the observations are confined to the adjudication of the present bail application only. However, the

applicant may review his prayer after filing of the charge sheet/final report.

4. **Application stands disposed of accordingly.**
5. **Copy of this order be given dasti to Ld. Counsel for applicants/accused person and in compliance of Sanjay Singh Vs. State (Govt. of NCT of Delhi), Writ Petition Criminal no. 974/22, copy of this order be also sent to the concerned Jail Superintendent to convey the order to the inmate.**

(Saurabh Partap Singh Laler)
ASJ-05, New Delhi District
Patiala House Courts, New Delhi
06.07.2026