

Bail Matter: 171/2026
State Vs. Arpit Mishra
FIR No. 10/2025
PS: Cyber Cell, NE
U/s: 318(4)/319(2)/61(2)/3(5) BNS

18.03.2026

**ORDER ON APPLICATION FOR GRANT OF BAIL FILED ON
BEHALF OF THE APPLICANT/ACCUSED ARPIT MISHRA**

1. This order of mine shall dispose of an application for bail filed on behalf of the applicant/accused Arpit Mishra.
2. I have already heard the counsel for the applicant /accused and the Ld. Addl. Public Prosecutor for State in person.
3. Ld. Counsel for the applicant/accused Arpit Mishra has submitted that the present applicant/accused is an innocent person and he is a young aged boy aged about 25 years and has not committed any offence at all and he is in judicial custody since 29/10/2025. In the present case, investigation qua the present applicant/accused is complete and the chargesheet has already been filed. The role attributed to the present accused is based on the alleged digital communications and disclosure statements, which was neither supported by any direct recovery, nor there was any independent evidence and the disclosure statements have no evidentiary value under the law. Therefore, the present applicant/accused is no more required for any custodial interrogation.
4. Ld. Counsel for the applicant/accused has further submitted that in the present case, two of the co-accused persons, namely, Abbas Khan and Prabhat Vajpayee have already been granted bail. The applicant/accused does not have any connection with the alleged cheating and nothing incriminating has been recovered either from the possession or at the instance of applicant/accused, if any has

been shown, the same has been planted by the police. He has also submitted that the present applicant/accused has permanent residence, hence there is no likelihood of his absconding or tempering with the evidence.

5. Ld. Counsel for the applicant/accused has further submitted that the applicant/accused is a young aged person of 25 years, having clean antecedent and no previous criminal involvement. The applicant/accused is sole bread earner of his family. The applicant/accused undertakes to abide by all the conditions imposed upon him by this Hon'ble court at the time of granting him bail and prayed for grant of bail. He has relied upon the judgments of the Hon'ble High Court of Delhi in case, **Kavi Arora v. State, Bail Appln. 1059/2022 dated 02.06.2023** and **Nishant Jain v. The State (Govt. of NCT of Delhi), Bail Appln. 4063/2023 dated 28.02.2024**.

6. On the other hand, Ld. Additional Public Prosecutor for the State has vehemently opposed the present application for bail and submitted that in the case in hand, the complainant was induced to invest Rs.21,77,000/- in a fraudulent online investment platform under the guise of providing high returns in the name of a reputed financial firm. The entire cheated amount is yet to be recovered. He has also submitted that the applicant /accused has committed the offences U/s. 318(4)/319(2)/ 61(2)/3(5) BNS alongwith the other co-accused persons and the offences committed by the applicant/accused is serious in nature and there is possibility of hampering with the witnesses and tampering with the evidence, if the applicant/accused is released on bail at this stage, so, this applicant/accused does not deserve the concession of bail and prayed for dismissal of this application for grant of bail.

7. In his reply, IO has submitted that there is sufficient evidence on record, which reveals that the present accused was not merely in possession of incriminating materials, but, he was also actively operating digital and banking channels of organized Cyber fraud.

8. 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.

9. In the case in hand, complainant was cheated of an amount of Rs.21,77,000/- by way of alluring him to invest the said amount in a fraudulent online investment platform under the guise of high returns in the name of a reputed financial firm. As per the IO, the investigation regarding recovery of the cheated amount is still going on, as recovery of the complete cheated amount has not yet been made. However, in the present case, investigation qua the present applicant/accused is complete and chargesheet has already been filed. No doubt, the offence of cheating allegedly committed by the applicant/accused is compoundable one and the maximum sentence for committing the offence u/s. 318(4) BNS is upto 7 years.

10. Perusal of the record also shows that in the present chargesheet, the prosecution has cited total 16 witnesses, which shows that it may take some time in conclusion of the trial, as even charges have not yet been framed. As per the reply filed by the IO, no previous involvement of the present applicant /accused has been found. Two of the co-accused persons, namely, Abbas Khan and Prabhat Vajpayee have already been granted bail in the present case and the present applicant/accused is in judicial custody since 29.10.2025.

11. 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”.

12. 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”.

13. 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”.

14. 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.

15. Considering the facts and circumstances of the present case and the fact that the offences as mentioned in the present FIR so far are compoundable in nature and the maximum sentence for committing the offence u/s. 318(4) BNS is upto 7 years. As per the IO, the investigation qua the present applicant/ accused is complete and chargesheet has already been filed before the concerned court and it may take some time in conclusion of the trial. Two of the co-accused persons, namely, Abbas Khan and Prabhat Vajpayee have already been granted bail in the present case and the present applicant/accused is in judicial custody since 29.10.2025 and no previous involvement of the present applicant/accused has been found, the applicant/accused Arpit Mishra is ordered to be released on bail on furnishing personal bond in the sum of Rs.25,000/- 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.

(5). He will appear before the court on each and every date of hearing.

16. 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.

17. In the above said terms, the present application for grant of bail filed on behalf of the applicant/accused Arpit Mishra stands **allowed**.

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

19. 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/18.03.2026**