Bail Application No. 1333/2026
State Vs. Mukesh Kumar Aggarwal
E-FIR No. 146/2025
U/s 308/318(4)/319/340 BNS
PS Special Cell

03.07.2026

Present: Sh. Mukul Kumar, Ld. Addl. PP for the State.
Sh. Rahul, Ld. Counsel for the applicant/accused through VC.
Ms. Chetna Yadav, Ld. Counsel for complainant along with complainant through VC.
IO SI Atul Yadav present through VC.

A) <u>BRIEF</u>

1. The present application under Section 483 BNSS has been moved on behalf of accused Mukesh Kumar Aggarwal seeking grant of regular bail.
2. Briefly stated, the prosecution case is that the complainant Abhishek Singhal came into contact with a woman identifying herself as "Reshma Regu" through Facebook, who induced him to invest in a purported gold-mining and trading scheme. Initially, the complainant invested Rs.1,00,000/- and was shown artificial returns through an online application. Thereafter, he was repeatedly persuaded to invest larger amounts and was induced to deposit additional sums on the pretext of withdrawal charges and bank freeze conditions. Ultimately, the complainant was allegedly cheated of Rs.2,57,75,000/-.
3. During investigation, notices under Section 94 BNSS were issued, NCRP data was collected, the complainant was examined and the financial trail was analysed. Investigation revealed that an amount of Rs.33,00,000/- from the cheated money was first credited into an IndusInd Bank account and thereafter <u>Rs.4,00,000/- was transferred to YES Bank Account No. 062250700008930 allegedly belonging to the present accused. The</u>

prosecution alleges that the accused withdrew the entire amount in cash on the same day and failed to furnish any satisfactory explanation regarding the source, purpose or linkage of the said amount. It is further alleged that despite being served with notice under Section 35(3) BNSS to join investigation, the accused gave evasive replies, concealed material facts and did not cooperate.

4. The chargesheet has already been filed before the Court. The accused was arrested on 12.12.2025 and is in judicial custody. This is stated to be his second bail application.

B) ARGUMENTS OF LD. COUNSEL FOR THE ACCUSED

1. Learned counsel for the applicant submits that the accused is innocent and has been falsely implicated in the present case. It is argued that the accused has been in judicial custody since his arrest and continued incarceration would amount to pre-trial punishment.
2. It is further submitted that investigation stands concluded and the chargesheet has already been filed; therefore, no further custodial interrogation of the accused is required. Reliance has been placed upon the judgments of the Hon'ble Supreme Court in **Arnesh Kumar vs. State of Bihar (2014) 8 SCC 273** and **State of Rajasthan vs. Balchand (1977)** to contend that bail is the rule and jail is an exception, and that personal liberty deserves constitutional protection.
3. It is further submitted that the allegations are false and baseless, the accused has no role in the alleged offence, is a permanent resident of Delhi, undertakes to abide by all conditions imposed by the Court, is ready to furnish adequate surety and there is no likelihood of his absconding or tampering with the prosecution evidence.

C) ARGUMENTS ON BEHALF OF STATE

1. Learned Addl. PP for the State opposes the application and submits that the accused is an active participant in a well-organised cyber fraud involving cheating of Rs.2,57,75,000/- from the complainant.
2. It is argued that investigation has established a clear money trail whereby <u>Rs.4,00,000/- of the cheated amount was credited into the accused's YES Bank account, from where the entire amount was withdrawn in cash on the very same day. The accused failed to furnish any satisfactory explanation regarding the source or purpose of the said amount.</u>
3. It is further submitted that the accused is not a mere account holder. His conduct in opening the bank account shortly before the transaction, immediately withdrawing the entire amount in cash, giving evasive replies during investigation and failing to explain his connection with the first-layer account holder establishes his active role in laundering the proceeds of cyber crime. During disclosure, the accused allegedly admitted that he permitted unknown persons to use his account for routing money on commission and withdrew cash for handing over to such persons, thereby facilitating the cyber fraud.
4. It is further argued that although the chargesheet has been filed, the accused has neither cooperated in restitution nor refunded any amount to the victim. The offences alleged are grave economic offences affecting public confidence in digital banking. In view of the seriousness of the allegations and the possibility of the accused influencing witnesses, tampering with evidence, absconding or indulging in similar offences, the State prays for dismissal of the present bail application.

D) <u>OBSERVATIONS OF THE COURT</u>

1. I have heard learned counsel for the applicant, learned Addl. PP for the State and perused the material placed on record.
2. The allegations pertain to a large-scale cyber fraud resulting in wrongful loss of Rs.2,57,75,000/- to the complainant. Economic offences involving

organised cyber fraud are required to be viewed seriously, as they have wide ramifications affecting public confidence in digital financial systems.

3. The material collected during investigation prima facie reflects a financial trail connecting the cheated amount to the bank account of the present accused. The prosecution specifically alleges that Rs.4,00,000/- was credited into the accused's account and was immediately withdrawn in cash on the same day. The prosecution further alleges that the accused failed to furnish any satisfactory explanation regarding the source or purpose of the said transaction and, during investigation, gave evasive replies. At this stage, these circumstances prima facie indicate that the accused was not merely an innocent account holder but was allegedly involved in facilitating the laundering of the proceeds of crime. The evidentiary value of these allegations shall, however, be tested during trial.
4. Though the investigation has culminated in filing of the chargesheet, filing of the chargesheet by itself does not entitle an accused to bail where the allegations disclose active participation in a serious economic offence and the material collected during investigation prima facie supports such involvement.
5. The judgments relied upon by the applicant in **Arnesh Kumar vs. State of Bihar (supra)** and **State of Rajasthan vs. Balchand (supra)** undoubtedly reiterate the importance of personal liberty and the principle that bail is the rule. However, these principles cannot be applied mechanically and are required to be balanced against the nature and gravity of the accusation, the role attributed to the accused and the larger societal interest. In the facts of the present case, where there exists prima facie material indicating the accused's involvement in routing and withdrawing proceeds of cyber crime, the said authorities do not advance the case of the applicant.

6. Considering the nature of allegations, the financial trail unearthed during investigation, the attributed role of the accused in facilitating the movement of proceeds of crime, the magnitude of the fraud and the apprehension expressed by the prosecution regarding tampering with evidence or influencing witnesses, this Court is not inclined to exercise its discretion in favour of the applicant at this stage. More-so, as the applicant, in his account, received not only Rs. 4 lakhs as stated above, rather he received more than Rs. 12 lakhs in his account, which all was withdrawn in cash, as stated by IO (on VC). Thus, the present transaction is not the only transaction in the account of the accused.
7. The observations made herein are only for the purpose of deciding the present bail application and shall not be construed as an expression on the merits of the case.

E) <u>FINAL ORDER</u>

1. In view of the foregoing discussion, this Court is of the considered opinion that the applicant has failed to make out a case for grant of regular bail at this stage.
2. **Accordingly, the present bail application filed on behalf of accused Mukesh Kumar Aggarwal is dismissed.**
3. Nothing stated herein shall tantamount to an expression on the merits of the case.
4. **The present application is disposed off accordingly.**

SAURABH PARTAP SINGH LALER

Digitally signed by SAURABH PARTAP SINGH LALER
Date: 2026.07.03 17:19:28 +0530

(Saurabh Partap Singh Laler)
ASJ-05, New Delhi District
Patiala House Courts, New Delhi
03.07.2026