

06.03.2026

This is 2nd application u/s 482 of BNSS for grant of anticipatory bail filed on behalf of applicant/accused.

No bail application has been reported to be pending before any other court or before Hon'ble High Court of Delhi.

Present : Sh. Vikram Dubey, Ld. Substitute Addl. PP for the State.
Sh. Devender Kumar Dubey and Sh. Yash Raj Tyagi, Advs.
(M.No. 8810415244), Ld. Counsels for the applicant/
accused.
IO / SI Tarun Kumar (M.No. 8527007907) in person.
Complainant Sh. Rajesh Jain in person.

Further progress report of the investigation along with copy of screenshot of chat of complainant with the applicant/accused (total 3 pages) filed. Copy supplied.

Record of earlier bail application already received.

1. By filing the present application, applicant/ accused is seeking **anticipatory bail** on the ground that the applicant/accused is apprehending his arrest in the above said case as his name is appearing in the FIR and further the police visited the house of the applicant/accused and directed the family members of the applicant/accused for sending the applicant/accused to the PS. It is further submitted that the applicant/accused has nothing to do with the commission of the alleged offence and he has been falsely robed in this case by the complainant.
2. It is further submitted by the Ld. Counsel for the applicant/accused that the factual position is that the applicant/accused was working as Labourer on the shop of the complainant for the last about 3-4 years, however, for the last 5 months, the complainant was not paying the entire salary of the applicant/accused as such,

the applicant/accused left the services of the complainant which annoyed the complainant and he got registered the present false and frivolous FIR. It is further submitted that falsity of the allegations is evident from the fact that according to the complainant the alleged incident is dated 25.11.2025 whereas the present FIR was registered on 20.01.2026 i.e. after approximately 2 months of the alleged incident, without any explanation for such inordinate delay in lodging the FIR.

3. It is further submitted by the Ld. Counsel for the applicant/accused that the petitioner is having permanent residence, hence, there is no chance of his absconding or fleeing from justice. It is further submitted that in compliance of direction passed by this Hon'ble Court, the applicant/accused has joined the investigation on 05.03.2026. It is prayed that anticipatory bail may kindly be granted to the applicant/accused.
4. Ld. Addl. PP for the State has strongly opposed the bail application on the ground that during the course of investigation, it revealed that the applicant/accused Amit Gupta has not returned to his home till date and on 25.11.2025, in the afternoon, he had departed from the shop with the money to give payments and when he entered in the Lahori Gate area, he switched off his mobile phones and went to Chandni Chowk without handing over the payments. It is further submitted that he did not give the payment to anyone and threw his phones in the dustbin in front of Omaxe mall. The applicant/accused was also captured in the CCTVs on the route along with the bag. Thereafter, applicant/accused went to his friend's house in Loni, Ghaziabad, UP where he met with Rohit and he along with Rohit came to Nehru Nagar, Ambedkar Road, Ghaziabad, UP and brought an apple I-phone mobile having IMEI No. 356182202323321, a charger and apple airpod having total

amount of Rs.1,41,790/- and paid in cash. It is further submitted that thereafter he did shopping in the market and stayed in a hotel till 30.11.2025 and the applicant/accused also met with his girlfriend Bhawna at the hotel and departed from the hotel on 30.11.2025 and thereafter there is no clue about him. He has also been captured in the CCTVs at the hotel where he stayed.

5. It is further submitted by the Ld. Addl. PP for the State that in the bail application applicant/accused has been described as Labourer but as per the complainant, the applicant/accused used to look after all money related work and he also used to send complete daily/routine details to the complainant on his phone. It is further submitted that as far as delay in FIR is concerned, the brother of the applicant/accused namely Sumit Gupta had lodged a missing complaint of his brother/ present applicant/accused at PS Sadar Bazar regarding the applicant/accused on 26.11.2025. Thereafter, complainant waited for the applicant/ accused on trust and did not lodge the FIR **but surprisingly despite qua submission of missing the phone of present applicant/accused, no complaint whatsoever has been made which can substantiate the above noted fake missing complaint.**

6. It is further submitted by the Ld. Addl. PP for the State that during the course of investigation, **notice u/s 35(3) BNSS was served to the applicant/accused Amit Gupta s/o Uma Shankar Prashad r/o H.No. 4, Gokul Dham Society-3, Nagla Enclave Part I, Ballabhgarh, Faridabad, Haryana, on 03.03.2026 who joined the investigation on 05.03.2026 and during interrogation, he did not cooperate in the investigation** and did not disclose all the facts and complete role of the other co-accused; the applicant/accused did not disclose that how did his both the phones went missing or stolen in Chandni Chowk and even he did not disclose place of missing or

stolen; the applicant/accused did not give satisfactory answer that why he did not report or lodge any complaint regarding the incident of missing or stolen of his mobile phones; the applicant/accused did not disclose full details of co-accused persons who harboured him to hide from police after the incident; he tried to mislead the police by hiding the facts as he did not disclose that where he had met Rohit first time who helped him for staying in various hotels after the incident; he did not give satisfactory answer regarding purchasing of his I-phone, charger, airpods of total cost of about Rs.1,41,790/- in cash on the same day of the incident; he did not disclose the place where he has kept the above said items and he also totally refused to disclose about the same; he did not disclose about the money he has borrowed from other persons on low rate of interest and money he has lent to other persons on higher interest rate; he did not disclose all his hideouts where he stayed since the date of incident to returning to his home on 04.03.2026; he did not disclose all the facts about the money i.e. Rs.20 lakh, he took from the complainant and did not return; and he did not disclose the name of those persons from whom he has borrowed money earlier but paid them back from the money of the complainant.

7. It is further submitted by the Ld. Addl. PP for the State that earlier on 26.11.2025, brother of the applicant/accused namely Sumit has lodged a missing report of the applicant/accused Amit and on the same day he handed over an I-phone mobile of the applicant/accused to the IO which was found at the dustbin, in front of Omaxe mall on 26.11.2025 by a sweeper, which was seized. Later, missing report of the applicant/accused was closed after coming the real facts about him on record. Further, the applicant/accused was seen in CCTV footage near the dustbin, in front of Omaxe mall, Chandni Chowk where his phone was found however,

no CCTV was found installed at the dustbin and no one could be captured throwing the phones. It is further submitted that the complainant has also shown a message on Whatsapp in which complainant shared the detail of payment and receiver to the applicant/accused and screen shot of the same is placed on record as such, the submission made by the applicant/accused have no bearing qua the fact that the applicant/accused has been falsely implicated in as much as applicant/accused has not been paid his 5 months salary due to this when the issue has been raised resulting into present FIR has been got registered.

8. It is further submitted by the Ld. Addl. PP for the State that at various points/ questions, applicant/accused totally refused to give answer or at various occasion did not give satisfactory answer. It is further submitted that the case property i.e. **Rs.20 lakhs is yet to be recovered** from the applicant/accused. It is further submitted that the **applicant/accused has also been found previously involved in FIR No. 2/18, u/s 419/420/468/471/120B/34 IPC, 66D/84C IT Act and 14 Foreigner Act, PS Kalkaji, Delhi** as main accused in the case. It is further submitted that the apple mobile phone, charger, airpods and other items brought from the proceeds of crime are yet to be recovered and other co-accused involved in the crime are yet to be traced and their roles are yet to be decided. It is prayed that bail application may kindly be dismissed as custody of the applicant/accused is required for sustained interrogation and anticipatory bail is strictly opposed.
9. I have heard the submissions made by the Ld. Addl. PP for the State along with complainant and Ld. Counsel for the applicant / accused.
10. Considering the facts and circumstances, I am of the considered view that the offence alleged are serious in nature and no

proper explanation has been given in respect of his absence immediately after taking alleged money of Rs.20 lakh which is yet to be recovered, why no complaint has been made in respect of alleged missing of his mobile phones having SIM No. 8929553109 and 8810696157 which was subsequently switched off on the date of offence i.e. 25.11.2025, and also keeping in view the fact that the present applicant/accused has been involved in a previous case bearing **FIR No. 2/18, u/s 419/420/468/471/120B/34 IPC, 66D/84C IT Act and 14 Foreigner Act, PS Kalkaji, Delhi**, hence, I am not inclined to grant anticipatory bail to the applicant/accused at this stage. **The application for anticipatory bail stands dismissed accordingly.**

11. The observations made while disposing off the present application shall not tantamount to the expressions on the merits of the case.
12. Copy of this order be given *dasti*.
13. **Let record of earlier bail application be sent back to the Bail Section.**

(Rakesh Kumar-IV)
ASJ (Electricity) - 01,
Central/Tis Hazari Courts/Extn. Block/
Delhi/06.03.2026 (ts)