

IN THE COURT OF SH. SAMAR VISHAL
ADDITIONAL SESSIONS JUDGE-02, SOUTH DISTRICT,
SAKET COURTS, NEW DELHI

Bail application no. 977/2026 (cancellation)

State Vs. Manoj Kumar and Noor Hasan

FIR no.36/2025

PS Cyber South

u/s 308/318(4)/319/340/61(2) BNS

04.08.2026

Order

Present: Sh. Arun Kumar Singh, Ld. Additional PP for
the State.
Sh. Mudassir Saleem Khan, Ld. Counsel for
applicant/complainant.
Sh. Vimal Singh, Ld. Counsel for non
applicants/accused persons namely Manoj Kumar
and Noor Hasan.

1. This is an application for cancellation of bail granted
to the accused persons namely Manoj Kumar and Noor Hasan.
The case relates to a cyber fraud committed with the complainant
in the name of investment.

2. The complainant has moved the present application
on the ground that the Ld. Trial Court did not consider the
gravity and organized nature of the offence, the electronic
evidence, CDR, disclosure statements and identification by co-
accused, the duty roster proving presence of accused, the fake
POS withdrawal mechanism and no recovery before granting the
bail.

3. The accused persons have opposed the application for cancellation of their bail stating that no material has been placed on record to demonstrate that they have attempted to abscond, have tampered with evidence, have influenced or threatened witnesses, have committed any offence while on bail and have otherwise misused the concession of bail.

4. As far as law related to cancellation of bail is concerned, the following observations of the Hon'ble Supreme Court in the case *Myakle Dharmarajam and Ors Vs. State of Telengana, (2020) 2 SCC 743* are relevant for this purpose. It was observed that the factors to be considered while granting bail have been held by this Court to be the gravity of the crime, the character of the evidence, position and status of the accused with reference to the victim and witnesses, the likelihood of the accused fleeing from justice and repeating the offence, the possibility of his tampering with the evidence and witnesses, and obstructing the course of justice etc. Each criminal case presents its own peculiar factual scenario and, therefore, certain grounds peculiar to a particular case may have to be taken into account by the Court. The court has to only opine as to whether there is prima facie case against the accused. For the purpose of bail, the Court must not undertake meticulous examination of the evidence collected by the police and comment on the same. The Hon'ble Court relied upon the judgment of *Raghubir Singh v. State of Bihar, (1986) 4 SCC 481* wherein it was held that bail can be cancelled where (i) the accused misuses his liberty by indulging in similar criminal activity, (ii) interferes with the course of investigation, (iii) attempts to tamper with evidence or

witnesses, (iv) threatens witnesses or indulges in similar activities which would hamper smooth investigation, (v) there is likelihood of his fleeing to another country, (vi) attempts to make himself scarce by going underground or becoming unavailable to the investigating agency, (vii) attempts to place himself beyond the reach of his surety, etc. The above grounds are illustrative and not exhaustive. It must also be remembered that rejection of bail stands on one footing but cancellation of bail is a harsh order because it interferes with the liberty of the individual and hence it must not be lightly resorted to. It is trite law that cancellation of bail can be done in cases where the order granting bail suffers from serious infirmities resulting in miscarriage of justice. If the court granting bail ignores relevant material indicating prima facie involvement of the accused or takes into account irrelevant material, which has no relevance to the question of grant of bail to the accused, the High Court or the Sessions Court would be justified in cancelling the bail.

5. I have gone through the bail order of the accused persons namely Manoj Kumar and Noor Hasan dated 30.01.2026. The bail was granted by a speaking order primarily on the ground that the investigation was complete, the charge sheet was filed and the accused was in custody for more than three months. The charge sheet was filed on 25.11.2025. The Ld. Trial Court further noted that the allegations against the accused persons are matter of trial which will take its own time and there are sufficient grounds to grant bail to the accused persons.

6. Therefore, it is clear that the bail was granted by a reasoned order on the settled legal parameter and, therefore, the bail cannot be termed as perverse as the trial court was conscious of the fact that investigation was complete and the allegations will be proved during the trial.

7. In these circumstances, the cancellation of bail of the accused Manoj Kumar and Noor Hasan cannot be allowed. The application is accordingly dismissed.

8. Copy of this order be provided as dasti to Ld. Counsel for complainant, Ld. Counsel for accused and IO.

(SAMAR VISHAL)
ASJ-02/SOUTH/SAKET COURTS
NEW DELHI/04.08.2026