Bail Application No. 198/2026
CBI Vs. Patel Divyang
FIR No. RC233 2026 E 0005 dated 29.04.2026
PS Special Cell, Delhi Police
U/Sec. 308/318(4)/319/340 of BNS

22.07.2026

Application u/s 483 of BNSS for grant of bail filed on behalf of applicant/ accused Patel Divyang.

Present: Sh. Lalit Mohan, ld. PP for CBI.
Sh. Dhananjay Singh Sehrawat, ld. counsel for accused / applicant Patel Divyang alongwith Advocates Ms. Ritika and Sh. Hardik Raheja
IO DSP Rakesh Kumar in person.
Earlier IO SI Atul Yadav, IFSO through VC.

Affidavit has been filed on behalf of applicant.

I have heard the arguments of ld. Counsel for applicant as well as ld. PP for CBI.

Arguments of ld. Counsel for Applicant:-

Ld. Counsel for applicant/ accused has argued that applicant has been falsely implicated. He is in custody since 15.01.2026. The arrest of applicant was illegal and vitiated as the grounds of arrest were not supplied to the family members/ friends of the applicant. There is no material to show that he was involved in the offence or that he was aware that the funds received in the account of his NGO i.e. M/s Floresta Foundation were infact the proceeds of crime on account of cheating. He also argued that the applicant had shared the account details of his NGO only for the purpose of receiving funds and had no knowledge as to the actual source of the said funds. Therefore, he himself was victim of the fraud and this fact is admitted in the chargesheet. Even as per case of prosecution, the applicant did not derive any financial benefit from the transaction and he had not received any amount.

Lastly, ld. counsel for applicant also argued that accused/ applicant will comply with the terms and conditions which may be imposed by the court. Hence, he submitted that applicant may be released on bail.

Arguments of ld. PP for CBI:-

The ld. PP for CBI vehemently opposed the bail application. They argued that the allegations against the accused/ applicant are extremely grave. As per arresting IO, the grounds of arrest were supplied to accused and the same were sent on Whatsapp to his sister on 16.01.2026 at 2:38 PM.

The ld. PP argued that the victims were duped with huge amount of money. The applicant had played a vital role in the commission of offence as the bank account of his NGO i.e. M/s Floresta Foundation was used in the commission of offence and the cheated amount received in the said bank account was further transferred to other accounts. The ld. PP further argued that the crime was committed in a organized manner. Thus, he argued that considering the gravity of the allegations and the involvement of applicant, the present bail application may be dismissed.

Brief Facts : -

In nutshell, the case of prosecution is that the complainant Dr. Indra Banerjee and her husband, who are both septuagenarians, were scammed by way of online fraud in the form of digital arrest. The fraudsters allegedly impersonated themselves as Law Enforcement Officers and induced and compelled the complainant to part with their hard earned money to the tune of Rs. 14,84,26,954/-.

It is alleged that as is usually the case, the victims were threatened on false pretext of their mobile phones were used for commission of serious offences relating to obscenity and money laundering activities etc. The simple gullible senior citizens were made to believe that they were under police scrutiny and their lives as well as lives of their family members were in danger. In fact, the victims were kept under constant digital scrutiny and watch through Skype/ Watsapp videos from 24.12.2025 to 10.01.2026.

The cheated amount was transferred to various accounts and amount of Rs. 4 Crores was transferred by the victims in the account of M/s Floresta Foundation i.e. an NGO run by applicant /accused Divyang Patel and another female namely Kosha Jashubai Patel.

As per allegations in chargesheet, applicant/ accused Patel Divyang projected himself to be a CA and he also ran a cafe. He was approached by Shitole Krutik, who was allegedly working along with Neel at the instance of accused Ankit Mishra.

Applicant Divyang Patel was informed by Shitole Krutik and Neel that they will get funds for his NGO in return of fixed commission of 8%. Then, Shitole Krutik, Neel and Ankit Mishra obtained account details etc from him and they got the entire amount of Rs. 4 crores transferred to another person without his knowledge.

It was also alleged that meetings between these persons took places in two hotels on 29.12.2025 and 30.12.2025, but the hotel management did not supply the CCTV footage and record of guest entry was seized which did not bear entry relating to applicant.

After the filing of chargesheet by IO SI Raj Kiran, IFSO, Delhi police, the Hon'ble Supreme Court took suo motto cognizance in the matters relating to online fraud and ultimately as per orders of Hon'ble Supreme Court dated 01.12.2025 and 09.02.2026, investigation of the present case was also transferred to CBI.

It is also alleged that since the amount of transfer from account of M/S Floresta Foundation i.e Rs. 2 crores on each occasion was high, therefore, the bank of M/s Floresta Foundation i.e. Yes Bank made verification calls to Patel Divyang and the applicant himself gave clearance for transfer of amount from his bank account. The mobile phones of all the above stated accused were seized during investigation. The mobile phone of accused Ankit Mishra @ Robin contained a video wherein applicant Divyang Patel is seen attending such call from Yes Bank and Shitole Kritika is also sitting there. The mobile phone of Shitole Krutik had video of installation and test run of APK file. The account details of M/s Floresta Foundation were found in the mobile phone of Shitole Krutik. It also contained incriminating Whatsapp chat and audio recording of Shitole Krutik with applicant Patel Divyang and credit card details / bank details and bank related documents of different persons.

As per prosecution version, Ankit Mishra was the person who was in contact with foreign handler "Charlie Yan" - who had sent APK file to Ankit Mishra @ Robin and had allegedly transferred around 10 thousand USDT i.e crypto currency earlier. It is further alleged that they were communicating through Telegram group and used to delete the chats. However, allegedly the screen shots of their communication were found in the mobile phones of Shitole Krutik and Neel.

It is also alleged that the mobile phones of all accused and even video clippigs of hotel receiption showing presence of all accused with applicant Divyang Patel.

Thus, as per allegations, accused / applicant and other co-accused namely Shitole krutik, Neel and Ankit Mishra had acted in a pre concerted manner for transferring the cheated amount to a foreign unknown handler known by the Telegram name of 'Charli Yan'.

Analysis:-

I have considered the submissions and perused the record. Before adverting to the factual aspects involved in the case, first of all, it is important to deal with the issue of non-compliance of Section 47 of BNSS in view of law laid down by the Hon'ble Supreme Court in **Vihaan Kumar Vs. State of Haryana & Anr, SLP (Crl.) 13320 of 2024 dated 07.02.2025.**

In the above-mentioned case, the Hon'ble Supreme Court held that:

"(a) The requirement of informing a person arrested of grounds of arrest is a mandatory requirement of Article 22(1);

(b) The information of the grounds of arrest must be provided to the arrested person in such a manner that sufficient knowledge of the basic facts constituting the grounds is imparted and communicated to the arrested person effectively in the language which he understands. The mode and method of communication must be such that the object of the constitutional safeguard is achieved;

(c) When arrested accused alleges non-compliance with the requirements of Article 22(1), the burden will always be on the Investigating Officer/Agency to prove compliance with the requirements of Article 22(1);

(d) Non-compliance with Article 22(1) will be a violation of the fundamental rights of the accused guaranteed by the said Article. Moreover, it will amount to a violation of the right to personal liberty guaranteed by Article 21 of the Constitution. Therefore, non-compliance with the requirements of Article 22(1) vitiates the arrest of the accused. Hence, further orders passed by a criminal court of remand are also vitiated. Needless to add that it will not vitiate the investigation, charge

sheet and trial. But, at the same time, filing of chargesheet will not validate a breach of constitutional mandate under Article 22(1);

(f) When a violation of Article 22(1) is established, it is the duty of the court to forthwith order the release of the accused. That will be a ground to grant bail even if statutory restrictions on the grant of bail exist. The statutory restrictions do not affect the power of the court to grant bail when the violation of Articles 21 and 22 of the Constitution is established."

Vide the same order, Hon'ble Mr. Justice N. Kotiswar Singh, Judge Supreme Court of India, further held that:

"(3) The purpose of inserting Section 50A of the CrPC, making it obligatory on the person making arrest to inform about the arrest to the friends, relatives or persons nominated by the arrested person, is to ensure that they would able to take immediate and prompt actions to secure the release of the arrested person as permissible under the law. The arrested person, because of his detention, may not have immediate and easy access to the legal process for securing his release, which would otherwise be available to the friends, relatives and such nominated persons by way of engaging lawyers, briefing them to secure release of the detained person on bail at the earliest. ***Therefore, the purpose of communicating the grounds of arrest to the detenue, and in addition to his relatives as mentioned above is not merely a formality*** *but to enable the detained person to know the reasons for his arrest but also to provide the necessary opportunity to him through his relatives, friends or nominated*

persons to secure his release at the earliest possible opportunity for actualising the fundamental right to liberty and life as guaranteed under Article 21 of the Constitution. ***Hence, the requirement of communicating the grounds of arrest in writing is not only to the arrested person, but also to the friends, relatives or such other person as may be disclosed or nominated by the arrested person, so as to make the mandate of Article 22(1) of the Constitution meaningful and effective failing which, such arrest may be rendered illegal."***

As per submissions of arresting IO, the grounds of arrest in writing were sent to sister of the applicant through Whatsapp on 16.01.2026 at 2:46 PM. However, perusal of record shows that the applicant was arrested on 15.01.2026 at 2:00 AM. As per record, the applicant was produced before the ld. I/C 2nd Judicial Magistrate First Class, Vadodara on 15.01.2026 itself and transit remand of applicant was granted for producing him before the concerned court in Delhi by 17.01.2026 at 17:00 Hours.

Thus, admittedly the grounds of arrest relating to applicant were supplied a day after his production in the court.

In **Mihir Rajesh Shah Vs. State of Maharashtra (2026) 1 SCC 500, the Hon'ble Supreme Court held that :**

> *"56. In conclusion, it is held that:*
>
> *i) The constitutional mandate of informing the arrestee the grounds of arrest is mandatory in all offences under all statutes including offences under IPC 1860 (now BNS 2023);*

ii) The grounds of arrest must be communicated in writing to the arrestee in the language he/she understands;

iii) In case(s) where, the arresting officer/person is unable to communicate the grounds of arrest in writing on or soon after arrest, it be so done orally. The said grounds be communicated in writing within a reasonable time and in any case at least two hours prior to production of the arrestee for remand proceedings before the magistrate.

iv) In case of non-compliance of the above, the arrest and subsequent remand would be rendered illegal and the person will be at liberty to be set free."

Further, as laid down by the Hon'ble Apex Court in Vihan Kumar's case (supra) and later on in **Kasireddy Upender Reddy Vs. State of Andhra Pradesh 2025 INSC 768,** in cases where the arrested accused alleges non-compliance with requirement of Article 22 (1), the burden will always be on the IO to prove its compliance.

In this case, despite being given opportunity, the IO has not placed on record any document to show that the grounds of arrest were communicated to the relative of the applicant within the time mandated in **Mihir Rajesh Shah's case (supra)**, i.e. at least two hours prior to the production of the applicant for remand before the ld. Magistrate, Vadodara, rather as per screenshot of Whatsapp of mobile phone of IO it was sent a day after his production in court. It further shows that there was a single tick on the said document and it had not been received in the mobile phone of said relative of applicant.

In **Kasireddy Upender Reddy's case (supra)**, it was further held that, *"(h) The grounds of arrest should not only be provided to the arrestee but also to his family members and relatives so that necessary arrangements are made to secure the release of the person arrested at the earliest possible opportunity so as to make the mandate of Article 22(1) meaningful and effective, failing which, such arrest may be rendered illegal."*

It is necessary to mention that in **Kasireddy Upender Reddy's case**, the Hon'ble Supreme Court had further held that, **"Once it is held that arrest is unconstitutional due to violation of Article 22(1), the arrest itself is vitiated. Therefore, continued custody of such a person based on orders of remand is also vitiated. Filing a charge sheet and order of cognizance will not validate an arrest which is per se unconstitutional, being violative of Articles 21 and 22(1) of the Constitution of India. We cannot tinker with the most important safeguards provided under Article 22."**

In the given circumstances, the investigating officer has failed to prima facie show that the grounds of arrest of applicant were supplied in compliance of law laid down in **Mihir Rajesh Shah's case (supra).**

Even though the allegations against the accused were serious in nature and he was alleged to be a vital cog in the wheel of sequence of events relating to commission of offence, but the failure of IO to communicate the grounds of arrest in writing to the friends or relatives etc of accused/ applicant within the time mandated by law, the same renders his arrest illegal.

Thus, in view of the aforementioned proposition of law, since the arrest of applicant is illegal, therefore, the present bail application is allowed and accused/applicant Patel Divyang is ordered to be released on bail upon his furnishing of bonds in the sum of Rs.50,000/- with one surety of like amount to the satisfaction of the ld. Trial court (where the chargesheet is still pending)/ ld. Duty MM of the concerned district and further subject to following conditions:

(i) Accused/applicant shall make himself available for investigation as and when required by the IO of the case and shall ensure his presence during the proceedings before the Court on each and every date of hearing;

(ii) Accused/applicant shall neither tamper with evidence nor influence witnesses in any manner whatsoever; &

(iii) Accused/applicant shall not leave the country without prior permission of the court.

The application stands disposed off.

Dasti copy of this order be given to ld. Counsel for applicant/ accused and to the IO of the case.

Copy of this order be sent to accused/ applicant through Jail Superintendent concerned for intimation

TCR alongwith copy of this order be sent back to the concerned court.

Record of bail application be consigned to record room after due compliance.

SUSHANT CHANGOTRA

Digitally signed by SUSHANT CHANGOTRA
Date: 2026.07.22 15:53:34 +0530

SUSHANT CHANGOTRA
Special Judge (PC Act) CBI-22
Rouse Avenue Courts,
New Delhi/22.07.2026