IN THE COURT OF MR. HARGURVARINDER SINGH JAGGI, ADDL. SESSIONS JUDGE (FTC– 01), SOUTH DISTRICT, SAKET COURTS, NEW DELHI

Bail Matter No.: 936/2026	
CNR No.: DLST01-005529-2026	
FIR No.: 16/2026	
Police Station: Cyber (South)	
u/Section: 308, 318(4), 319, BNS 2023	

IN THE MATTER OF:

STATE **… Non-Applicant**

Through – Mr. Santosh Kumar, Additional Public Prosecutor for the State.
SI Vishal Tiwari and IO/HC Sunil, PS – Cyber (South).

Complainant – Vishal.

v.

PAVAN BHAGAT **… Applicant**

Through – Mr. Honey Gola, Advocate for the Applicant.

Date of filing of bail application:	**11.05.2026**
Date of reserving order:	**03.06.2026**
Date of pronouncement of order:	**04.06.2026**

O R D E R
04.06.2026

1. The applicant, Pavan Bhagat (Pavan) has moved an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking anticipatory bail in relation to FIR No. 16/2026 dated 12.04.2026 (FIR 16/2026) registered at police station Cyber, South Delhi, Delhi under Section 308 (Extortion), 318(4) (Cheating) and 319 (Cheating by Personation) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. At the outset, it is observed that the applicant Pavan, along with his bail application, has failed to file the copy of FIR 16/26.

3. Pavan has averred in the application that he is innocent and has been falsely implicated in the present case. Pavan is a permanent resident of post office Ramkola, District Kusinagar, Uttar Pradesh and has deep roots in society. Pavan has also averred that he received a request letter dated 25.04.2026 for verification of address from the investigating officer. Pavan has averred that he is ready and willing to join and co-operate with the investigation as and when directed by the investigating officer.

4. Pavan has also averred in his application that he is the sole person available to his family, to his wife, who is entirely dependent

upon him for her day-to-day needs and medical care. It is averred by Pavan that his wife has lately undergone a major pregnancy related surgery during which her uterus was removed due to serious medical complications. Pavan has also averred in the application that due to severe financial hardship arising from the medical condition and treatment expenses of his wife, he was compelled to seek financial assistance from his friend, Abhind Bhagat. It was Abhind Bhagat who introduced him as an acquaintance to Kushal Jaiswal. It is urged that Kushal Jaiswal arrange certain funds for Pavan from some other person.

5. Pavan has averred that he is poor and simple and not a highly educated person and had no knowledge or understanding with regard to the source or nature of the money or whether any illegal activity was involved in the same.

6. Pavan has averred that considering the medical condition of his wife and the pressing financial crisis faced by his family, he, in good faith and without any criminal intention, shared his bank account.

7. Pavan has averred that he apprehends arrest in the subject FIR and is therefore constrained to approach this Court by seeking pre-arrest bail. Pavan has averred that the maximum punishment for the alleged offences is up to seven years and no custodial interrogation of him is required. Further, he has also averred that no recovery is to be affected from him as the case is primarily based upon documentary, electronic evidence. Pavan has also averred about his clean antecedents and has never been involved in any criminal case prior to

the present FIR. Pavan has averred that he undertakes to fully co-operate with the investigation and shall abide by any terms and conditions as imposed by the Court at the time of grant of the bail.

8. On the other hand, a detailed reply has been filed by the investigating officer/Head Constable Sunil Kumar dated 12.05.2026. On perusal of the reply opposing the bail filed by the IO, it is observed that the subject FIR was lodged on the complaint of one Vishal, who became a victim of online fraud perpetrated on him by the accused persons. The complaint was filed through a Telegram application. The complainant received messages from Telegram ID, namely, Gaurav Kumar and Marina Smith. Thereafter, he started communicating with the Telegram ID Marina Smith, who induced him to participate in online task based investments activities by assuring him of lucrative profits and benefits and commissions upon successful completion of the assigned task.

9. It was during their interactions, the complainant was instructed by his handler to deposit money for completing various online tasks. The complainant was repeatedly persuaded to transfer sums of money on the pretext of unlocking higher profits, upgrading tasks and completing pending assignments. The complainant trusted and acted upon the representations made by the fraudsters and continued making payments from time to time. It was in such a manner that the complainant ended up transferring a sum of ₹1,79,172/- through online NEFT/RTGS transactions into different bank accounts.

10. The reply filed by the IO further states that the breakup of ₹1,79,172/- was done in five different branches. It is stated by the IO that out of the five transactions, a sum of ₹25,000/- was transferred to the bank account of the applicant, Pavan. The I/O further stated in his reply that despite notice being issued to the applicant under Section 35(3) BNSS, he has failed to join the investigation. It is also stated by the IO that the applicant informed him telephonically and also forwarded a photograph of the plastered leg of his wife and sought time to join the investigation.

11. The I.O. stated in his reply that during the telephone conversation, the applicant told him that the amount credited into his bank account pertains to a consideration received from the sale of agricultural land. However, despite opportunity, the applicant has failed to produce any documentary proof or copy of any sale agreement in support of his claim. The I.O. has stated that the entire story urged by the applicant is fictitious. Further, the reply filed by the I.O. states that the bank account of the applicant has been found reported in four complaints on the NCRP portal, indicating its involvement in multiple cyber fraud transactions.

12. Learned counsel for the applicant, Pavan has advanced submissions in tandem with the averments made in the application. The learned counsel for the applicant urged that anticipatory bail may be granted to the applicant on account of his wife's medical condition as she underwent surgery due to complications in her pregnancy. The learned counsel further submitted that Pavan is the sole breadwinner

of the family and grave hardship would be caused not only to Pavan but also his entire family.

13. The learned counsel for the applicant further urged that keeping in mind the seriousness of the medical condition of his wife, applicant Pavan was compelled to seek financial assistance from his friend, Abhind Bhagat, who further introduced him to Kushal Jaiswal. The applicant under complete innocence shared his bank account details and he was not aware about the source of money having been advanced to him by them.

14. The learned counsel for the applicant concluded his arguments on the note that no custodial interrogation of the applicant is required and thus, the application seeking anticipatory bail may be allowed by the Court as the applicant is ready and willing to abide by any terms and conditions.

15. Mr. Santosh Kumar, learned APP, has contended the submissions advanced by the learned counsel for the applicant. The learned APP submitted that despite service of notice, the applicant, Pavan on one account or the other, has been screening himself away and not joining the investigation. The learned APP further submitted that the complainant is a victim of cyber fraud who has to run helter-skelter. The learned APP further submitted that the applicant cannot be permitted to hide behind the medical condition of his wife and seek bail when he is an active participant and conspirator in the entire cyber fraud perpetrated upon the complainant, Vishal. The learned APP further submitted that no ground for pre-arrest bail is

made out as the applicant, despite service of notice, has miserably failed to join the investigation.

Analysis & Findings

16. On careful perusal of the application, reply/objections filed by the IO and weighty arguments advanced by the learned counsel for the parties, the Court has to answer the question, whether the applicant, Pavan Bhagat can be granted the relief of anticipatory bail as sought?

17. At the stage of granting of bail, only a *prima facie* case needs to be examined and detailed reasons relating to the merits of the case that may cause prejudice to the accused, ought to be avoided. The bail order should reveal the factors that have been considered by the Court for granting relief to the accused – ***See Ajwar v. Waseem & Anr. – 2024 INSC 438, pp.28.***

18. The Hon'ble High Court of Delhi in ***Shaveta Kataria v. State Govt. of NCT of Delhi & Anr. – 2025 DHC 8043*** while relying upon the law reports of the Apex Court in ***Brijmani Devi v. Pappu Kumar & Anr. – (2022) 4 SCC 497*** and ***Mahipal v. Rajesh Kumar @ Polia – (2020) 2 SCC 118*** observed that the law is well settled that bail proceedings are not intended to mirror the evidentiary rigour of a full-fledged trial. To engage in a detailed assessment of competing versions at this stage would risk converting the bail hearing into a mini-trial, something courts are consistently cautioned against.

19. The Apex Court has held in the catena of law reports that bail is a discretionary relief, to be granted or denied based on the specific

facts and circumstances of each case. The Apex Court in its landmark judgment of ***Prasanta Kumar Sarkar v. Ashis Chatterjee and Anr. – 2010 INSC 752***, laid down the following *legal principles*:

(i) Whether there is any *prima facie* or reasonable ground to believe that accused had committed the offence;

(ii) Nature and gravity of the accusation;

(iii) Severity of the punishment in the event of conviction

(iv) Danger of the accused absconding or fleeing, if released on bail;

(v) Character, behaviour, means position, and standing of the accused;

(vi) Likelihood of the offence being repeated;

(vii) Reasonable apprehension of the witnesses being influenced, and

(viii) Danger, of course, of justice being thwarted by grant of bail.

20. Economic offences and cyber frauds constitute a class apart and need to be viewed seriously as they affect the economic fabric of society. The Hon'ble Supreme Court in ***P. Chidambaram v. Directorate of Enforcement – 2019 INSC 1317*** has categorically held that economic offences constitute a class apart arising out of deep-rooted conspiracies, and the grant of anticipatory bail at the stage of investigation may frustrate the investigating agency in interrogating the accused and collecting useful information. The Apex Court observed that success in such interrogation would elude if the accused knows he is protected by the order of

the Court, making it an unfit case for the exercise of discretion to grant anticipatory bail.

21. Regarding the necessity of custodial interrogation, the Apex Court in ***State Rep. By The CBI v. Anil Sharma – (1997) 7 SCC 187***, noted that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. Effective interrogation of a suspected person is of tremendous advantage in disinterring useful information and materials which would otherwise remain concealed, and very often, interrogation under the protection of bail reduces to a mere ritual.

22. In the specific context of cyber and financial frauds, the Hon'ble High Court of Delhi recently in ***Paramjit Kharb v. State – 2025 DHC 9638***, took note of the alarming rise in cyber-crimes and financial frauds across the country, observing that such offences demand heightened judicial caution, as leniency at the bail stage could risk undermining deterrence. The High Court emphasized that given the organized nature of the offence and the complex nature of the modus operandi, the possibility of tampering with evidence or influencing the investigation weighs heavily against the grant of bail.

23. The menace of cyberfraud has gripped our country and the law enforcement agencies are being kept on their toes to not only protect the digital infrastructure but also the economy and personal rights of the citizenry, who are the innocent victims of such frauds. Vijay

Kumar Dhyani is one of those victims, who came out and lodged his complaint *vide* subject FIR.

24. In the case at hand, it is observed that the applicant has clearly and unequivocally admitted of having furnished his bank accounts to Abhinand Bhagat and Kushal Jaiswal. Even though the applicant has urged that it was the severe financial hardship and the medical condition of his wife that he was compelled to seek financial assistance from his friend, Abhinand Bhagat, the Court cannot whisk away this admission.

25. The Court is of the considered view that at this nascent stage, the custodial interrogation of the applicant Pavan is necessary and therefore the relief of pre-arrest bail cannot be granted to him at this stage.

Decision

26. In view of the above deliberations and observations, the Court is not inclined to grant anticipatory bail to the applicant, Pavan Bhagat at this stage. Accordingly, the bail application moved by the applicant, Pavan Bhagat – ***Bail Matter No. 936/2026*** is dismissed.

27. Any observation made here-in-above for the purpose of dealing with the contentions raised during the hearing of the bail application shall not be deemed to be an expression on the merits of the case.

28. Let a copy of this order be transmitted to the applicant, Pavan Bhagat through the concerned Jail Superintendent and also given *dasti* to the applicant through counsel.

29. Further, let a copy of the order be transmitted to the concerned IO/SHO, Cyber police station, for information and necessary compliance, if any.

Hargurvarinder Singh jaggi

Digitally signed by Hargurvarinder Singh jaggi
Date: 2026.06.04 16:54:28 +0530

Pronounced in the open Court on June 04, 2026	**(Hargurvarinder Singh Jaggi) Addl. Sessions Judge (FTC-01) South District Saket Courts, New Delhi**

Note: *This order comprises of* ***11*** *pages in total. The electronic signature certificate (digital signature) of the Presiding Officer has been appended on the last page of the electronic or digital copy (PDF) of this document.*