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

Bail Matter No.: 1054/2026	
CNR No.: DLST01-006179-2026	
FIR No.: 47/2026	
Police Station: Cyber (South)	
u/Section: 318(4), 317(5), 112(2) BNS	

<u>IN THE MATTER OF</u>:

STATE **… Non-Applicant**

Through – Mr. Santosh Kumar, Additional Public Prosecutor for the State.

v.

SATENDER RATHOR **… Applicant**

Through – Mr. Virender Verma, Mr. Jitender, Advocates for the Applicant.

Date of filing of bail application:	**23.05.2026**
Date of reserving order:	**04.06.2026**
Date of pronouncement of order:	**05.06.2026**

<u>O R D E R</u>

05.06.2026

1. Satender Rathor (Applicant) has moved an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking regular bail in relation to FIR No. 47/2026 dated 04.04.2026 registered at police station Cyber Police Station South, New Delhi under Sections 318(4), 317(5) and 112(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. Since 06.04.2026, the applicant, Satender Rathor has been in custody.

<u>Facts</u>

3. At the outset, it is observed that no copy of the subject FIR has been filed along with the bail application. Thus, the Court was constrained to trace the factual narration from the IO's reply to bail application and the same is as under:

    3.1. Organized cyber fraud syndicates are actively operating by cheating innocent citizens through online means. The victims are induced to transfer money on false pretexts such as investment schemes, part-time job offers, and digital arrest threats, with the cheated funds subsequently routed through multiple mule bank accounts.

    3.2. During the course of the investigation, the applicant, Satender Rathor, revealed that he had provided his own and others' bank accounts to a co-accused, Abhishek Mishra, for the purpose of laundering funds derived from cyber fraud. It was agreed that the applicant would receive a commission of 5% on each account.

Bail application & Reply by IO

4. Satender Rathor in the bail application has prayed that the applicant be released on regular bail in the proceedings arising out of FIR 47/2026 centering on the plank that he has been falsely implicated in the subject matter and that the arrest was solely based upon presumption.

5. The primary contention lodged by the applicant in the bail application is that the FIR suffers from fatal procedural irregularities, specifically that the Investigating Officer (IO) conducted the raid without any mandatory audio/video recording, violating Section 105 of the BNSS, and without independent local witnesses, violating Section 103 of the BNSS. It is also alleged that the IO failed to issue a notice under Section 35(3) of the BNSS prior to his arrest.

6. The Investigating Officer (IO) in the reply strongly opposed the bail application stating that the applicant was a willing participant in the cyber crime and incriminating chat logs have been recovered from his mobile phone. The IO emphasized that the investigation regarding the distribution and layering of the proceeds of crime among co-accused individuals is still ongoing, and the full extent of the illicit funds has yet to be traced.

Submissions by Counsels

7. Mr. Jitender, learned counsel for the applicant opened their arguments in tandem with the averments made in the bail application.

The learned counsel at length read out the contents of the bail application, seeking grant of bail to the applicant.

8. The learned counsel for the applicant submitted that there is no direct evidence connecting the applicant to the alleged offences, the core provisions of Sections 318(4), 317(5), and 112(2) BNS are not satisfied, and that the applicant's custody is unjust.

9. *Per contra* , Mr. Santosh Kumar, learned Additional Public Prosecutor (APP) submitted that this is not a fit case of bail as urged by the learned counsel for the applicant.

10. The learned APP further submitted that the applicant provided multiple bank accounts to the cyber fraud syndicate in exchange for a 5% commission, and that releasing the applicant on bail would pose a strong likelihood of evidence tampering and interference with the ongoing investigation into the larger network.

11. Mr. Jitender learned counsel for the applicant rejoined his arguments by strongly contending the submissions advanced by the learned APP. The learned counsel once again urged that the applicant has been falsely implicated and that the arrest procedure was fundamentally flawed.

Analysis & Findings

12. 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, Satender Rathor can be granted the relief of regular bail as sought?

13. 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.***

14. 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.

15. 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.

16. In light of the above stated legal principles, the answer to the pointed question about grant of bail to the applicant, Satender Rathor is emphatic: ***No***.

17. When considering a regular bail application, the Court is guided by well-settled principles, including the nature and gravity of the accusation, the character of the evidence, the likelihood of the accused fleeing from justice, and the reasonable apprehension of witnesses or evidence being tampered with *(See **Prasanta Kumar Sarkar v. Ashis Chatterjee, 2010 INSC 752**)*.

Gravity of Cyber Frauds

18. The Superior Courts have consistently held that economic offences and cyber frauds constitute a class apart and must be viewed seriously, as they affect the economic fabric of society. In cases involving organized cyber-crime syndicates, the magnitude of the fraud and its inter-state ramifications weigh heavily against the grant of bail.

19. In the recent case of ***Paramjit Kharb v. State (2025 DHC 9638)***, the Hon'ble High Court of Delhi denied bail to accused individuals who were acting as middlemen by purchasing pre-opened bank accounts and supplying them to foreign-based cyber scammers. The High Court noted the alarming rise in cyber-crimes and ruled that given the organized nature of the offence and the complex modus operandi, the possibility of tampering with evidence justifies the denial of bail. Satender Rathor's role—supplying multiple bank accounts for a 5% commission—is strikingly similar and warrants heightened judicial caution.

Claim of Parity

20. The applicant's claim of parity with co-accused Mohd. Fahad is misplaced. Parity is not an absolute right and depends on the specific role attributed to the accused *(See **Sagar v. State of UP, 2025 INSC 1370**).* Mohd. Fahad's role was largely limited to providing his cousin's bank account. In contrast, Satender Rathor was caught in a co-ordinated raid at a hotel with multiple co-accused, admitted to supplying several accounts for an ongoing 5% commission, and was found in possession of incriminating chat logs tying him directly to the syndicate.

21. Regarding the alleged violations of Sections 103 and 105 of the BNSS during the raid, it is a settled principle that at the stage of bail, the Court is not required to conduct a mini-trial or meticulously examine procedural discrepancies that are best left for the trial stage.

22. Given the serious nature of the allegations, the recovery of incriminating digital evidence, the applicant's active participation in a large-scale cyber-fraud syndicate for financial gain, and the fact that the investigation into the broader money trail is still ongoing, enlarging the applicant on bail would prejudice the investigation. Therefore, the applicant Satender Rathor is not entitled to regular bail

<u>Decision</u>

23. In view of the above deliberations and observations, the Court declines to grant regular bail to the applicant, Satender Rathor at this stage. Accordingly, the bail application moved by the applicant, ***State v. Satender Rathor – Bail Matter No. 1054/2026*** is dismissed.

24. 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.

25. Let a copy of this order be transmitted to the applicant, Satender Rathor through the concerned Jail Superintendent and also given *dasti* to the applicant through counsel. Further, let a copy of the order be transmitted to the concerned IO/SHO, police station Cyber (South), for information and necessary compliance, if any.

Hargurvarinder Singh jaggi

Digitally signed by Hargurvarinder Singh jaggi
Date: 2026.06.05

Pronounced in the open Court on June 05, 2026	**(Hargurvarinder Singh Jaggi)** **Addl. Sessions Judge (FTC-01)** **South District** **Saket Courts, New Delhi**

*<u>Note</u>: This order comprises of **8** 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.*