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

Bail Matter No.: 1101 of 2026	
CNR No.: DLST01-006443-2026	
FIR No.: 245/2026	
Police Station: Cyber, South	
u/Section: 318(4), 319, 340, BNS 2023	

IN THE MATTER OF:

STATE … **Non-Applicant**

Through – Mr. Santosh Kumar, Additional Public Prosecutor for the State a/w IO – HC Raj Kumar, PS – Cyber (South), Delhi

Mr. Arun Upadhyay, Advocate for the complainant.

v.

MANISH PANDEY … **Applicant**

Through – Mr. Naveen Advocate for the Applicant.

Date of filing of bail application:	**30.05.2026**
Date of reserving order:	**01.06.2026**
Date of pronouncement of order:	**02.06.2026**

ORDER

02.06.2026

1. Manish Pandey (Applicant) has moved an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking anticipatory bail in relation to FIR No. 245/2026 dated 06.05.2026 (FIR 245/2026) registered at Cyber Police Station South, New Delhi under Sections 318(4), 319 and 340 of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. Since the present application is for anticipatory bail, the applicant, Manish Pandey has not been arrested and apprehends imminent arrest.

Facts

3. The factual narration as traced from the FIR 245/2026 and the IO's reply is that the complainant, Sarup Kumar, was a victim of an online investment/trading fraud perpetrated by individuals claiming to represent Infinix Infotech Pvt. Ltd. through an application/platform named Algo Trading App.

4. The defrauded amount of ₹1,22,236/- was transferred to different accounts, out of which ₹38,000/- was deposited into the ICICI Bank account of Infinix Infotech Pvt. Ltd., of which the applicant is the owner/director.

Bail application & Reply by IO

5. Manish Pandey in the bail application has prayed that the applicant be released on regular bail in the proceedings arising out of FIR 245/2026 cantering on the plank that he has been falsely implicated in the subject matter.

6. The primary contention lodged by the applicant in the bail application is that he is innocent, is carrying on lawful business activities, and has amicably settled the matter with the complainant. A settlement agreement dated 19.05.2026 was executed, and the complainant has received a part payment of ₹1,00,000/-.

7. The Investigating Officer (IO) Head Constable (HC) Raj Kumar in the reply strongly opposes the bail application stating that the applicant is the kingpin of a multi-crore investment cyber fraud.

8. Furthermore, the applicant was served a notice under Section 35(3) BNSS (41A Cr.P.C.) but failed to join the investigation. The IO stated that custodial interrogation is necessary for a fair investigation, recovery of digital devices and documentary evidence, identification of co-conspirators, and unearthing the complete conspiracy and organized syndicate.

Submissions by Counsels

9. Mr. Naveen, learned counsel for the applicant opened his arguments in tandem with the averments made in the bail application. The learned counsel at length read out the contents of the FIR, bail application, supporting documents and the case laws seeking grant of bail to the applicant.

10. The learned counsel for the applicant submitted that the applicant has amicably settled the dispute with the complainant, and the complainant has filed a no-objection certificate/affidavit. He further argued that the applicant is ready and willing to cooperate with the investigation and has deep roots in society.

11. Mr. Arun Upadhyay, Advocate for the complainant, confirmed the settlement.

12. *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.

13. The learned APP further submitted that the applicant is the mastermind of an organized cyber fraud syndicate with multiple complaints linked to his company's account. Despite being served with a notice to join the investigation, the applicant evaded the process. Custodial interrogation is indispensable for recovering digital evidence, identifying co-conspirators, and tracing the cheated funds.

14. Mr. Naveen, 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 by the complainant and the police.

Analysis & Findings

15. 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,

Manish Pandey can be granted the relief of anticipatory bail as sought?

16. 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.***

17. 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.

18. 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.

19. In light of the above stated legal principles, the answer to the pointed question about grant of pre-arrest bail to the applicant, Manish Pandey is emphatic, no.

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. In the case at hand, the investigation indicates that the applicant's company account was utilized to siphon funds obtained through a fraudulent trading application.

22. 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.

23. 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.

24. In the present case, the investigation indicates that the applicant's company account was utilized to siphon funds obtained through a fraudulent trading application. Despite the settlement with the present complainant, the IO's report highlights that numerous other

complaints are linked to the same account, indicating a large-scale, organized cyber-fraud syndicate.

25. The Court cannot lose sight of the fact that the applicant has also failed to join the investigation despite the issuance of a notice under Section 35(3) of the BNSS. The evasion of the investigative process by failing to join the investigation despite notice disentitles the applicant to equitable relief. As observed by the Hon'ble Supreme Court in ***Ashok Dhankad v. State of NCT of Delhi – 2025 INSC 974***, while granting bail, the possibility of the accused creating impediments in a fair investigation ought not to be overlooked.

26. Furthermore, the Hon'ble Supreme Court of India in ***Gajanan Dattatray Gore v. State of Maharashtra – 2025 INSC 913*** has clarified that bail orders should not be conditional on the deposit of money, and such a settlement or undertaking to deposit funds cannot be a ground to grant pre-arrest bail when the offence involves wider societal ramifications.

27. Custodial interrogation in the present matter is indispensable to unearth the wider conspiracy, trace the money trails, and recover digital devices. The applicant's non-cooperation with the investigating agency disentitles him to the extraordinary relief of anticipatory bail.

Decision

28. In view of the above deliberations and observations, the Court does not deem fit to grant any pre-arrest bail to the applicant, Manish Pandey at this stage. Accordingly, the application moved by the

applicant, Manish Pandey seeking anticipatory bail in case titled as ***State v. Manish Pandey – Bail Matter No. 1101/2026*** is dismissed.

29. 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.

30. Let a copy of this order be provided *dasti* to the applicant through counsel. Further, let a copy of the order be transmitted to the concerned IO/SHO, police station Cyber, South, Delhi for information and necessary compliance, if any.

Hargurvarinder Singh jaggi

Digitally signed by Hargurvarinder Singh jaggi
Date: 2026.06.02 16:32:20 +0530

Pronounced in the open Court on June 02, 2026	**(Hargurvarinder Singh Jaggi) Addl. Sessions Judge (FTC-01) South District Saket Courts, New Delhi**

Note: *This order comprises of **9** 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.*