Bail application No. 1322/26
FIR No. 206/2026
PS: DBG Road
u/s : 316(2), 318(4), 319(2), 204 & 61(2) BNS
State vs Vijay Kumar @ Guruji

13.07.2026

This is 2nd application under section 482 of BNSS for grant of anticipatory bail moved on behalf of the applicant/accused Vijay Kumar @ Guruji.

Present : Ms. Sujata, Ld. Substitute Addl. PP for State.
Sh. Karan Kakkar, Ld. Counsel for the applicant/accused through VC and advocates Sh. Akash Seth and Ms. Pragati Sharma are present physically.
Sh. Raj Kumar and Sh. Atul Rawat, Ld. Counsel for the complainant.
IO SI Vivek is present through VC.

Arguments on the application heard.

Put up for orders at 02.00 PM.

SHREYA ARORA MEHTA
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(SHREYA ARORA MEHTA)
JUDGE BAIL ROSTER
ASJ/SFTC-02(CENTRAL)
THC: DELHI : 13.07.2026

At 02.00 PM.

Present : None for the State.
Sh. Karan Kakkar, Ld. Counsel for the applicant/accused through VC.

ORDER ON SECOND APPLICATION UNDER SECTION 482 BNSS FOR GRANT OF ANTICIPATORY BAIL

1. By this order, this Court shall decide the second application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“BNSS”) filed on behalf of applicant/accused Vijay Kumar @

Guruji seeking anticipatory bail in the captioned FIR. Ld. Counsel for the applicant submits, on instructions, that no bail application on behalf of the applicant is pending before the Hon’ble High Court of Delhi or the Hon’ble Supreme Court of India. The first anticipatory bail application of the applicant was withdrawn on 20.06.2026 on technical grounds, without adjudication on merits.

2. Briefly, as per the FIR, the complainant Vijay Kumar s/o Sh. Purushottam alleges that he came in contact with the applicant in May 2024 at Neeli Chatri Mandir, Jamna Bazar, Delhi, where the applicant held himself out as one performing poojas and tantrik remedies for persons facing difficulties in life. The complainant, then facing financial and family problems, began consulting the applicant, and a relationship of trust developed. In April 2025, the applicant introduced the complainant to co-accused Pawan Kumar Pandey, who was impersonating himself as one Varun Kumar Pandey, ADM, a PCS officer of the U.P. Government. Through an elaborate charade visiting cards, staged telephone calls, curated WhatsApp imagery with senior officers, and visits to government offices, the co-accused induced the complainant to part with a total of about Rs. 60 lakh: Rs. 15 lakh in cash on the pretext of securing a teaching job for the complainant’s daughter, and gold articles weighing about 450 gms (worth about Rs. 35 lakh) alongwith cash of about Rs. 10 lakh on the pretext of allotment of plots in NOIDA. The FIR further names at least three other persons from whom the co-accused is alleged to have taken money in like manner.

3. Vide order dated 03.07.2026, this Court had directed the applicant to join the investigation as and when required by the IO through written notice, directed the IO to file a further investigation progress report on the next date, and directed that no coercive action be taken against the applicant till the next date. *It is recorded at the outset that, despite*

the specific direction, no written report in terms of the order dated 03.07.2026 has been filed by the IO.

4. The IO SI Vivek, present through VC, has orally addressed the Court on the facts of the case. He submits that the applicant received approximately Rs. 2.80 lakh from the cheated amount as commission for facilitating the introduction of the complainant to the co-accused and also accepted certain furniture items stated to have been given as daan for the mandir; that the case, in toto, involves cheating of Rs. 60 lakh; and that the co-accused impersonated himself as an ADM. The IO has further orally submitted that the applicant has joined the investigation, that his interrogation is complete and that his custodial interrogation is not required, praying only that the applicant be directed to join the investigation as and when required.

5. The written reply/status report dated 22.06.2026 filed by the IO SI Sumit Singh, which is on record, had opposed the application in categorical terms. It discloses that during custodial interrogation, co-accused Pawan Kumar Pandey specifically named the applicant as the person instrumental in introducing prospective victims to him, acting as an intermediary in gaining their confidence, and stated that he paid approximately Rs. 3,00,000/- to the applicant from the cheated amount. The reply further states that the money trail, financial transactions and beneficiary analysis are under examination; that recovery of the cheated amount and proceeds of crime is underway; that various witnesses are yet to be examined and confronted with the applicant; that the case appears to be part of a larger organised scheme involving multiple persons and victims; and that the applicant's custodial interrogation is necessary to ascertain the flow of funds, identify additional victims and recover incriminating material.

6. The Court is thus confronted with two irreconcilable stands of the Investigating Officers within a span of three weeks: a written reply

asserting the necessity of custodial interrogation, and an oral submission today conceding it away, unsupported by any written report and unaccompanied by any explanation. The Court declines to act upon the oral concession. It is well settled that a concession of the investigating agency that custodial interrogation is not required is neither the sole nor a determinative consideration for grant of anticipatory bail; the first and foremost question is whether, prima facie, the applicant is shown to be connected with the offence, and the need for custodial interrogation is only one of the relevant factors. The application shall accordingly be decided on the Court's own appraisal of the material on record.

7. Ld. Counsel for the applicant submits that the applicant is a permanent government employee of the Indian Railways with deep roots in society; that the principal allegations of receiving money, gold and making false promises are attributed to the co-accused; that no money, gold or valuable article is alleged in the FIR to have been received by the applicant and no amount is shown in his bank account; that the applicant does not admit any receipt of money from the co-accused, and no dealing or handing over of money to the main accused took place in his presence; that he merely introduced two persons, which without dishonest intention constitutes no offence; and that he has cooperated, having visited the police station on eight days.

8. This Court has heard Ld. Addl. PP for the State along with Counsel for the complainant, Ld. Counsel for the applicant, and the IO, and have perused the record, including the FIR, the application, the affidavit filed by the accused and the written reply dated 22.06.2026. The parameters governing anticipatory bail are settled: the nature and gravity of the accusation, the role attributed to the applicant, the stage of investigation, the possibility of the applicant fleeing from justice

or tampering with evidence, and the larger interest of the public and the State. Equally settled is that in cases of economic offences involving deep-rooted conspiracies, the Court must be circumspect, as pre-arrest protection can frustrate the investigating agency in unearthing the full sweep of the conspiracy and tracing the proceeds of crime.

9. On a prima facie appraisal, the role attributed to the applicant is not that of an innocent introducer. The FIR itself shows that the applicant was the point of origin of the complainant’s entrapment: it was the relationship of spiritual trust cultivated by the applicant at the mandir over nearly a year that was deployed to deliver the complainant into the hands of the co-accused, and it was the applicant who recommended that the complainant approach the co-accused for securing a job for his daughter. The disclosure statement of the co-accused whose evidentiary worth at trial will be tested in accordance with law, but which the Court is entitled to weigh at this stage attributes to the applicant the receipt of approximately Rs. 3 lakh from the cheated proceeds, a fact substantially reiterated by the IO before this Court today (Rs. 2.80 lakh), together with the acceptance of furniture items as daan. Ld. Counsel’s submission that the applicant does not admit any such receipt is noted, but the truth or otherwise of the receipt is precisely what the investigation must establish; it cannot be resolved in the applicant’s favour at the threshold. Prima facie, the alleged sharing of the proceeds of cheating takes the applicant’s case out of the realm of mere introduction and into the fold of the conspiracy alleged under Section 61(2) BNS.

10. The stage and needs of the investigation also weigh against the applicant. Gold articles weighing about 450 gms and substantial cash remain untraced and unrecovered; the money trail and beneficiary analysis are under examination; at least three further named persons

are yet to be verified as victims; and witnesses are yet to be confronted with the applicant. It is settled that interrogation of an accused enjoying the umbrella of a pre-arrest protection order is qualitatively different from, and a poor substitute for, effective interrogation, particularly where the flow of funds and recovery of proceeds are in issue.

11. Nor can the Court be oblivious to the social dimension of the offence alleged. Places of worship are spaces where citizens, often in distress, repose unguarded faith. The allegation here is that such faith, cultivated at a mandir under the garb of poojas and remedies, was made the very instrument of an organised cheating racket built on impersonation of a public servant a racket which, per the FIR, has multiple victims. That the person alleged to have facilitated this inveiglement is himself a serving government employee renders the betrayal of trust starker. Offences of this genus corrode public faith both in religious spaces and in public administration, and the Court must be slow to extend the extraordinary protection of anticipatory bail where a prima facie role in such a scheme is disclosed.

12. The applicant’s reliance on Arnesh Kumar v State of Bihar (2014) 8 SCC 273 and on the categorisation in Satender Kumar Antil v. CBI, (2022) 10 SCC 51 proceeds on the footing that, the offences invoked being punishable with imprisonment up to seven years, the case falls within Category A of Antil and pre-arrest protection must follow as a matter of course. The submission suffers from a threefold fallacy. First, on its own terms, Antil treats economic offences as a distinct category (Category D), to be dealt with on a case-to-case basis having regard to the seriousness of the charge, the role attributed to the accused and the quantum of money involved; the punishment prescribed is not the solitary yardstick. The present case is an organised conspiracy of cheating by impersonation of a public servant

involving about Rs. 60 lakh and multiple victims' answers that description. The hallmarks which the law associates with an economic offence cool calculation and deliberate design with an eye on personal profit and a deep-rooted conspiracy are prima facie present: a fabricated identity of a real and verifiable PCS officer sustained through visiting cards, staged telephone calls, curated photographs with senior officers and tutored restaurant staff; trust cultivated over nearly a year before its monetisation; a division of roles in which, per the material on record, the applicant sourced targets through the spiritual confidence he commanded at the mandir, the co-accused executed the impersonation, and the proceeds were shared; and a plurality of victims, the FIR naming at least three others besides the complainant. Nor is the harm confined to the individual victim: the instrument of the fraud was the authority of public office itself, and offences of this character wound the community at large. Antil equally cautions, following Sanjay Chandra v. CBI, (2012) 1 SCC 40, that bail is not to be denied to economic offences as a class; this Court has accordingly undertaken the individualised assessment of the applicant's role, the alleged sharing of proceeds and the state of the investigation above, and it is that assessment not the label which weighs against the applicant. Secondly, the operative directions in Antil for Category A are addressed to the stage of chargesheet and summons. The case of Antil disciplines arrest and streamlines regular bail; it does not lay down that anticipatory bail must issue in every offence punishable up to seven years. Thirdly, the discipline of Arnesh Kumar and Antil operates upon the power of arrest, not upon the jurisdiction to grant pre-arrest bail: notwithstanding the dismissal of this application, the investigating agency remains bound by the mandate of Section 35 BNSS, arrest may be effected only upon reasons of necessity recorded in writing, and any arrest in breach of that discipline carries its own consequences.

13. Viewed thus, refusal of anticipatory bail is not a direction to arrest, and the applicant’s liberty stands adequately safeguarded by the statutory scheme itself: if the investigation concludes without the necessity of his arrest, the applicant will receive the full benefit of the Antil–Siddharth regime at the stage of chargesheet; and if arrested upon reasons duly recorded, the remedy of regular bail remains open to him in accordance with law. What the applicant in substance seeks is a blanket pre-arrest immunity in an economic offence at a nascent stage of the investigation which is precisely what the extraordinary jurisdiction under Section 482 BNSS does not confer in the circumstances found above.

14. Weighing the prima facie material connecting the applicant with the conspiracy including the alleged receipt of a share of the cheated proceeds, the nascent and crucial stage of the investigation, the pending recovery of gold and money and tracing of the money trail, the possibility of additional victims, and the organised, faith-exploiting character of the alleged scheme, this Court is of the considered view that no case for grant of anticipatory bail is made out. **The second application under Section 482 BNSS is accordingly dismissed. The interim protection granted vide order dated 03.07.2026 stands vacated.**

15. It is clarified that the observations hereinabove are prima facie in nature, confined to the disposal of the present application, and shall not influence the investigation, any subsequent bail application at the appropriate stage, or the trial.

16. *Before parting, the Court places on record its disapproval of the manner in which the investigating agency has conducted itself: no further investigation progress report was filed despite the specific direction in the order dated 03.07.2026, and the IO’s oral stand of*

today conceding away the necessity of custodial interrogation asserted in his own written reply dated 22.06.2026 remains wholly unexplained on record.

A copy of this order be sent to the DCP (Central) to examine the aforesaid conduct of the IO SI Vivek and SI Sumit and the circumstances in which the stand of the investigating agency came to be altered orally, and to take such action as is warranted, besides ensuring that the investigation, including the tracing of the money trail and recovery of the proceeds of crime, is taken to its logical conclusion expeditiously.

A copy of this order be given dasti to all concerned, and copies be sent to the SHO, PS D.B.G. Road, and the DCP (Central), for information and compliance.

SHREYA ARORA MEHTA

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