Bail Matters 1479/25
STATE Vs. Tauseef Ahmad
FIR No. 156/25
U/s 318(4)/319(2)/61(2)/3(5) BNS
PS: Special Cell

03.09.2025

Present: Sh. Mukul Kumar, Ld. Addl. PP for the State.
Sh. Neeraj Kumar Dwivedi, Ld. Counsel for the applicant/accused.
IO SI Manjeet Singh is present.

<u>This is an application for grant of Regular Bail u/s 483 BNSS, 2023 filed on behalf of applicant Tauseef Ahmad.</u>

Reply to the bail application filed by the IO. The same is taken into record. Copy supplied. Arguments heard.

<u>Allegations:</u>

The brief facts of the case, as emerging from the FIR and the material placed on record, are that the complainant, G. Muraleedharan Pillai, a resident of Flat No. 1000, Block 19, Lodi Colony, New Delhi, was allegedly defrauded of a substantial sum amounting to Rs. 95,67,394 through a sophisticated cyber fraud scheme. The perpetrators, posing as officials from the Insurance Ombudsman's office, induced the complainant to transfer funds under various pretexts such as stamp paper fees, advance tax, FDR, and nominee FDR from 06.08.2024 to 06.12.2024. The transfers were directed to bank accounts linked to the accused persons, including the applicant herein. The investigation revealed that the applicant/accused received Rs. 5,89,700/- in Bank of Baroda account and Rs. 62, 26,400/- in IDBI Account, which he subsequently withdrew, rendering him the direct beneficiary of the offence. No recovery has been effected from him despite custodial interrogation, raising a strong inference that the funds have been concealed or converted into untraceable assets, such as cryptocurrency.

Arguments:

Learned counsel for the applicant/accused has argued that the applicant is an innocent, peace-loving citizen and a battery rickshaw driver by profession, being the sole bread earner for his family, including two minor daughters, one of whom requires ongoing medical treatment. It is contended that the applicant has been falsely implicated by co-accused persons, has no prior criminal history, and has cooperated with the investigation. Reliance is placed on the principle of parity, as co-accused Azeem Khan has been granted bail vide order dated 18.08.2025 passed by this court. It is further submitted that the evidence is documentary in nature, the investigation qua the applicant is complete, and no further custodial interrogation is required. The applicant undertakes to abide by any conditions imposed by this Court and asserts deep roots in society with no risk of absconding or tampering with evidence.

Per contra, learned Addl. PP for the State, assisted by the Investigating Officer, has vehemently opposed the grant of bail. It is submitted that the offence involves a grave economic crime with significant public ramifications. The applicant's role is central, as the entire defrauded amount was credited to his bank account, which he withdrew promptly, and no portion thereof has been recovered. This distinguishes his case from that of co-accused Azeem Khan, who did not receive any funds in his account and was merely implicated on ancillary grounds. The State contends that the applicant, being the beneficiary, has likely hidden the proceeds or converted them into cryptocurrency, which he may access and dissipate if enlarged on bail, thereby frustrating recovery efforts and the ends of justice. Emphasis is placed on the documentary evidence, including bank statements and transaction details, which unequivocally link the applicant to the offence. It is further argued that releasing the applicant at this stage would embolden similar cybercriminals and prejudice the ongoing investigation into the larger conspiracy.

Observations:

I have carefully perused the material on record, including the FIR, the bail application, the order granting bail to co-accused Azeem Khan, and the status report filed by the Investigating Officer. I have also heard the arguments advanced by both sides at length.

At the outset, it is pertinent to note that while granting or refusing bail, the Court must balance the rights of the accused with the interests of society and the victim, particularly in cases involving economic offences. The twin conditions under Section 483 BNSS require consideration of whether there are reasonable grounds to believe that the accused is not guilty and that he is unlikely to commit any offence while on bail. Additionally, factors such as the gravity of the offence, the role of the accused, the stage of investigation, and the risk of tampering with evidence or influencing witnesses must be weighed.

In the present case, the role of the applicant/accused is markedly different from that of co-accused Azeem Khan. The bail order dated 18.08.2025 in favour of Azeem Khan reveals that no cheated amount was received or withdrawn from his bank account, and his involvement was peripheral, based on association rather than direct benefit. In contrast, the applicant herein received the entire defrauded sum of Rs. 68.15 lakhs in his account, which he withdrew expeditiously. As the direct beneficiary, his culpability is prima facie established through irrefutable bank records. Furthermore, nothing could be recovered from him during custody, indicating that he has concealed the proceeds or converted them into untraceable forms, such as cryptocurrency. Granting bail at this juncture carries a substantial risk that the applicant will access and utilize these hidden funds, thereby irreparably prejudicing the victim's right to restitution and undermining the investigative process.

The impact of an economic offence far transcends the temporary scars of a physical assault, where wounds may heal with time and medical care, allowing the victim to reclaim a semblance of normalcy. In contrast, when a victim’s entire life savings are siphoned away through deceit, it inflicts a profound, enduring devastation—not just on the individual, but on their entire family—uprooting financial stability, shattering dreams of education, retirement, or even basic sustenance, and plunging them into a relentless cycle of hardship that feels like a slow, agonizing death. The victim, already stripped bare, must then endure the Sisyphean ordeal of knocking on courtroom doors, expending further resources on legal battles that yield little to no recovery, as the pilfered funds vanish into the ether of untraceable transactions. Meanwhile, the accused, after a fleeting stint in custody, often secures bail and luxuriates in the ill-gotten gains, a stark injustice absent in physical offences where the perpetrator reaps no tangible reward from their violence. Granting bail with undue leniency to those whose bank accounts bear undisputed evidence of receiving vast sums of cheated money only emboldens cybercriminals, making it nigh impossible to stem this digital plague in a nation where the majority teeter on the brink of survival, earning barely enough to endure—let alone rebuild from such predatory ruin.

The applicant's pleas regarding family hardships, including the medical needs of his daughter, while evoking sympathy, cannot override the imperatives of justice in a case of this magnitude. Economic offences erode public trust in financial systems and disproportionately affect vulnerable sections of society. The investigation, though substantially complete qua the applicant, involves tracing the money trail and unraveling the syndicate, which may be jeopardized if the applicant is released.

The principle of parity does not apply mechanically; it requires similarity in roles and circumstances, which is absent here. The applicant's prior rejection of bail under Section 480 BNSS by the Ld. Chief Judicial Magistrate vide order dated 29.07.2025 further underscores the merits against his release.

In view of the foregoing discussion, and considering the gravity of the offence, the applicant's pivotal role as beneficiary, the lack of recovery, and the potential misuse of concealed funds, this Court is of the considered opinion that the applicant does not satisfy the criteria for grant of bail under Section 483 BNSS.

Accordingly, the application is dismissed.

Nothing in this order shall be construed as an expression on the merits of the case.

Copy of this order be given dasti to Ld. Counsel for applicants/accused person and in compliance of Sanjay Singh Vs. State (Govt. of NCT of Delhi), Writ Petition Criminal no. 974/22, copy of this order be also sent to the concerned Jail Superintendent to convey the order to the inmate.

SAURABH PARTAP SINGH LALER

Digitally signed by SAURABH PARTAP SINGH LALER
Date: 2025.09.03 17:10:23 +0530

(Saurabh Partap Singh Laler)
ASJ-05, New Delhi District
Patiala House Courts, New Delhi
03.09.2025