

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO.4109 OF 2025
(Arising out of SLP(Criminal) No.2591/2025)**

AADHAR KHERA

APPELLANT

VERSUS

STATE GOVERNMENT (NCT OF DELHI) & ANR.

RESPONDENTS

WITH

**CRIMINAL APPEAL NO.4110 OF 2025
(Arising out of SLP(Criminal) No.3352/2025)**

CHARU KHERA

APPELLANT

VERSUS

STATE GOVERNMENT (NCT OF DELHI) & ANR.

RESPONDENTS

O R D E R

1. Leave granted.
2. These two appeals are directed against the order dated 06.02.2025 passed by the High Court of Delhi,

declining anticipatory bail to the appellants in FIR No.14/2022. The above-stated case has been registered on the basis of a complaint dated 30.10.2021 made to the Deputy Commissioner of Police, Economic Offences Wing, Mandir Marg, New Delhi, purportedly under Section 154(1) of the Code of Criminal Procedure, 1973 (in short, the "Cr.P.C."), seeking registration of FIR against various persons, including Ajay Khera, Charu Ajay Khera, Aadhar Khera, Azure Freight and Logistics LLP, Azure International LLC, Sidharth Khera, Shruti Arora, Kristey Coley, Rachel Groogan, Zingrem Kaping, Hira Malhotra, Rajesh Jha, Ajay Tewari, Arpit Baweja, Guruprakash Bagga and other unknown persons.

3. One of the appellants (Aadhar Khera) is a doctor by profession, who at the relevant time was working as Assistant Professor and Super Specialist Surgeon at MMIMSR, Mullana, Ambala, Haryana and is stated to have now shifted to the Rajiv Gandhi Cancer Institute, New Delhi. The second appellant (Charu Khera) is the mother of the first appellant (Aadhar Khera). The allegations pertained to siphoning of funds etc., of M/s. Seagull Maritime Agencies Pvt. Ltd by Azure International LLC in collusion and connivance with various identified persons, including the appellants. A notice under Section 41-A of Cr.P.C. was received by the appellants, who joined the inquiry, before registration of the FIR, which came to be

registered on 27.01.2022 under Sections 408, 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860.

4. The case of the appellants appears to be that the alleged siphoning of funds and financial irregularities were committed by the main accused Sidharth Khera, who happens to be brother of the first appellant and son of the second appellant. The said main accused is statedly absconding. It further appears from the allegations that the incident occurred in the United States of America.

5. The record indicates that once the FIR was registered, the first appellant applied for anticipatory bail before the High Court through Bail Application No.3631/2022, whereas his mother applied for such bail through Bail Application No.196/2024. In these bail applications, the appellants were granted interim bail. However, subsequently, the High Court *vide* the impugned order, spanning several pages and having repeatedly referred to the merits of the allegations, has declined the bail. This Court, thereafter, protected the first appellant from arrest, while issuing notice *vide* order dated 21.02.2025. The second appellant was also extended such protection on 03.03.2025. Nonetheless, both appellants were directed to join the investigation.

6. While it is vehemently urged on behalf of the appellants that they appeared before the Investigating

Officer several times and have provided the requisite information as per their knowledge and that they are not in a position to apprise information which is exclusively in possession of the main accused Sidharth Khera. On the other hand, Ms. Archana Dave, learned Additional Solicitor General of India contends that the appellants have not extended the desired cooperation during the course of investigation.

7. Mr. Kapil Sibal, learned senior counsel for the complainant submits that there are a plethora of documents in their possession, to indicate that the plea of ignorance or innocence, taken by the appellants, is contrary to such documents and the communication between different legal entities. According to him, there is enough material which suggests active collusion between both the appellants and the main accused for the purpose of siphoning and/or bungling the funds of the complainant-Company.

8. We have given our thoughtful consideration to the rival submissions. There can be no doubt that every investigation must reach to a logical conclusion. It seems that two effective steps ought to be taken in the present case in this regard, namely:

(i) The Investigating Agency may resort to diplomatic channels to seek deportation of the main accused Sidharth

Khera;

(ii) The Investigating Officer may, keeping in view numerous documents and other material on record, give a questionnaire along with list of documents, to the appellants, seeking their further clarification/assistance/cooperation on those issues so that the investigation can be taken to a logical conclusion. Upon receipt of such questionnaire alongwith documents, we direct the appellants to submit their reply to the extent permissible in law and supply the documents or information, which is expected to be in their lawful possession or knowledge. The Investigating Officer shall be at liberty to call the appellants to join ongoing investigation as and when required and the appellants shall extend full cooperation in this regard.

9. It goes without saying that in the event of any non-cooperation, the Investigating Agency shall be at liberty to approach this Court for appropriate directions.

10. With liberty aforementioned, both the appeals are allowed. The impugned order of the High Court is set aside and the interim protection granted to the appellants on 21.02.2025 and 03.03.2025 is made absolute.

11. We may hasten to add that the instant order has been passed taking into consideration the stand of both

sides and it may not necessarily apply in the case of the other accused. The Court concerned will consider their case for grant of bail as per their own merits.

.....J.
(SURYA KANT)

.....J.
(UJJAL BHUYAN)

.....J.
(NONGMEIKAPAM KOTISWAR SINGH)

New Delhi;
September 18, 2025

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).2591/2025

[Arising out of impugned final judgment and order dated 06-02-2025 in BA No.3631/2022 passed by the High Court of Delhi at New Delhi]

AADHAR KHERA

Petitioner(s)

VERSUS

THE STATE OF GOVERNMENT (NCT OF DELHI) & ANR.

Respondent(s)

(IA No.44003/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH

SLP(Crl) No.3352/2025 (II-D)

Date : 18-09-2025 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE UJJAL BHUYAN
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) :Ms. Mukta Gupta, Sr. Adv.
Mr. Gaurav Kejriwal, AOR
Mr. Sanjay Abbot, Adv.
Mr. Peeyush Bhatia, Adv.
Mr. Ayush Agarwal, Adv.
Mr. Sanjana Mishra, Adv.
Mr. Siddharth Tandon, Adv.

Mr. Vipin Sanghi, Sr. Adv.
Mr. Sumer Singh Boparai, Adv.
Mr. Sirhaan Seth, Adv.
Mr. Surya Pratap Singh, Adv.
Mr. Abhilash Kr. Pathak, Adv.
Mr. Piyush Kr., Adv.
Mr. Amarjeet Singh, AOR

For Respondent(s) :Mrs. Archana Pathak Dave, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. Jagdish Chandra, Adv.
Ms. Harshita Chaube, Adv.
Ms. Ankita Chaudhary Rathi, Adv.

Mr. Kapil Sibal, Sr. Adv.
Mr. Ankur Chawla, Adv.

Mr. Rahul Pratap, AOR
Mr. Aamir Khan, Adv.
Mr. Aditya Pujari, Adv.
Mr. Shivam Tandon, Adv.
Ms. Prerna Mahajan, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeals are allowed in terms of the signed order.
3. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR
(signed order is placed on the file)