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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010475532026

+ **BAIL APPLN. 4195/2026 & CRL.M.As. 30978-30979/2026**

HIMANSHU

.....Petitioner

Through: Mr. Ajay Gupta, Mr. Sanjiv Changia
and Mr. Shubham Bansal, Advocates.

versus

STATE GNCT OF DELHI

.....Respondent

Through: Mr. Tarang Srivastav, APP for State.
S.I. Atul Yadav, IFSO/Spl. Cell.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

01.10.2026

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1. The Applicant seeks pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in FIR No. 214/2024 under Sections 419/420/384/120-B of the Indian Penal Code, 1860 registered at P.S. Special Cell. This is his second application for the same relief before this Court.

2. The FIR arises out of a “digital arrest” fraud. The complainant, a senior citizen, was allegedly contacted through Skype and telephone by persons impersonating officials of TRAI, Mumbai Police and the CBI. He was made to believe that his Aadhaar credentials had been used in criminal activity, threatened with arrest and consequences to his family, and induced to transfer an aggregate amount of INR 2.65 crore to accounts specified by the callers. The investigation traces INR 1.50 crore to the account of M/s



Asif Enterprises and INR 1.15 crore to the account of Waveland Comestible Pvt. Ltd.

3. The Applicant is not alleged to be one of the persons who spoke to or threatened the complainant. His implication emerges from the money trail. According to the State, on 14th May 2024, approximately INR 5.31 lakh was transferred from the account of Waveland Comestible Pvt. Ltd. into the Applicant's Kotak Mahindra Bank account. This was the very account into which INR 1.15 crore of the complainant's money had been credited. The State further asserts that the amount received by the Applicant was thereafter rapidly withdrawn or utilised.

4. Counsel for the Applicant submits that his implication rests solely on the credit of INR 5,31,168/- into his bank account and that there is no material linking him with the persons who allegedly impersonated officials of TRAI, Mumbai Police or the CBI, or with the primary beneficiary entities, M/s Asif Enterprises and Waveland Comestible Pvt. Ltd. The Applicant is neither named in the FIR nor alleged to have made any call, threat or representation to the complainant. The disputed credit arose from a *bona fide* commercial transaction involving sale of mobile phones in the ordinary course of the Applicant's business, for which purchase and sale invoices have been furnished and the seller has also joined the investigation. The Applicant has joined investigation whenever protected by the Court, that the relevant evidence is principally documentary and electronic and is already available with the Investigating Agency, and that no custodial interrogation or recovery is therefore required. Emphasis is also placed on the Applicant's clean antecedents. To demonstrate his *bona fides*, he further offers to deposit INR 5,31,168/- in the concerned account and have a lien



marked over the said amount during the pendency of the investigation.

5. Before delving into the aforementioned contentions, the procedural history requires notice. The Applicant's anticipatory bail application was rejected by the Sessions Court on 20th July 2026. He thereafter approached this Court in BAIL APPLN. 3116/2026. On 10th September 2026, after some arguments, counsel sought withdrawal of that application and it was dismissed as withdrawn. The order does not reserve liberty to file another application. The statement in the present petition that the earlier application was withdrawn "with liberty" is, therefore, not borne out by the order.

6. Nothing of consequence has changed since the earlier application was withdrawn on 10th September 2026. The Status Report now relied upon is dated 5th September 2026 and was already before the Court at that stage. The present application thus invites the Court to revisit the same claim on substantially the same material. In *G.R. Ananda Babu v. State of Tamil Nadu*,¹ the Supreme Court held that successive applications for anticipatory bail ought not to be entertained on a specious plea of change in circumstances, once the earlier application has been rejected by a speaking order. In the present case, although the earlier application before this Court was dismissed as withdrawn, and not by a speaking order on merits, the caution against successive recourse to anticipatory bail remains relevant. Nevertheless, the present application has been heard merits.

7. The alleged offence must also be viewed in its proper investigative setting. A digital-arrest fraud is ordinarily carried out through impersonation of public authorities, sustained psychological coercion and the swift routing of money through several accounts. Identifying those who receive, move or



dissipate the funds may therefore be as important as identifying those who directly communicate with the victim. In *In Re: Victims of Digital Arrest Related to Forged Documents*, Suo Motu Writ Petition (Crl.) No. 3/2025, the Supreme Court took judicial notice of the scale and severity of digital-arrest scams and the need for specialised and coordinated investigation. By its order dated 1st December, 2025, the Court designated the CBI as the primary agency to investigate such cases and issued directions facilitating comprehensive investigation on a pan-India basis, including in relation to mule bank accounts.

8. The same concern informs the decision of a Coordinate Bench in *Ashok Kumar v. State of NCT of Delhi*.² The Court noted the complex *modus operandi*, the continuing investigation, the unrecovered cheated amount and the vulnerability of digital evidence. It further observed that, at such a stage, the accused could not be characterised as minor or peripheral players merely because their role involved holding or providing mule accounts.

9. It is in this backdrop that the material concerning the present Applicant requires consideration, albeit only on a *prima facie* basis. As per the status report, the Applicant claims to have purchased nine mobile phones from one Sumit, proprietor of Mobile City, Bhiwani, for approximately INR 5.30 lakh in December 2023. According to the investigation, however, when questioned about the transaction, the Applicant stated that no amount had been paid to Mobile City at the time of purchase and that the purchase price was paid only after he received the disputed RTGS credit on 14th May 2024. He further claims that these phones were sold to one Dinesh at Karol Bagh

¹ 2021 SCC OnLine SC 176.

² 2026:DHC:3358.



on 15th April 2024, although payment for the same was received nearly a month later. His explanation for extending such credit is that Dinesh had been introduced by another shopkeeper, Hitesh, who had assured payment. No written agreement, security or contemporaneous communication evidencing this arrangement has been produced.

10. The bill book does not readily dispel these doubts. Its other entries are predominantly for much smaller amounts, whereas Bill No. 771, exceeding INR 5.30 lakh, is stated to be the only transaction of that scale. The Investigating Officer has further noted that the carbon impression appeared comparatively fresh and that the handwriting, ink and manner of writing differed from the surrounding entries. The authenticity of the document is, of course, a matter for investigation. At this stage, however, these features prevent the Court from accepting it at face value.

11. Nor is there the usual commercial record one would expect for a transaction of this value. According to the State, the Applicant has produced no GST returns, income-tax returns, stock or purchase register, sales register, ledger, delivery challan, transport receipt, payment receipt or e-way bill. The invoices said to have been issued to Waveland Comestible Pvt. Ltd. also bear no GST particulars. This omission assumes significance because the disputed credit came directly from an account into which part of the complainant's money had been transferred.

12. The electronic record offers no firmer support. The Applicant states that the invoices were generated on a laptop which is no longer available. He has been unable to provide Dinesh's telephone number, any WhatsApp exchange with him, or other electronic material relating to the sale. His further claim that an earlier handset had broken and its data was lost is,



according to the State, not borne out by the IMEI history.

13. His account of the delivery presents another difficulty. The Applicant says that he travelled to Karol Bagh, met Dinesh and supplied the phones there. The CDR and location material, as presently reported, does not place him in Delhi during the relevant period. Acting on the particulars furnished by the Applicant himself, the Investigating Agency was also unable to locate either the establishment described as “All Mobile Solution” or the person named Hitesh at Gaffar Market. These discrepancies bear directly on the transaction invoked to explain the receipt of the money.

14. The banking pattern also warrants consideration. Apart from the disputed credit of approximately INR 5.31 lakh, the Applicant’s account is stated not to reflect transactions of a comparable magnitude consistent with regular wholesale trading in mobile phones. The amount received was also withdrawn or disbursed shortly thereafter. These circumstances, viewed alongside the discrepancies noted above, warrant further investigation into the nature of the transaction.

15. The record also qualifies the claim of cooperation. After the Sessions Court rejected anticipatory bail, a fresh notice dated 24th July 2026 required the Applicant to appear the next day. The State records that he did not do so, switched off his mobile phone and remained unavailable, leading to the issuance of non-bailable warrants on 27th July 2026. He joined the investigation thereafter under interim protection from this Court. Even then, the relevant electronic devices were not made available for forensic examination. The State further states that, when a notice under Section 94 of BNSS was sought to be served on 10th August 2026, he declined to acknowledge it and asked that it be served at his residence.



16. Attendance before the Investigating Officer, by itself, does not amount to full cooperation. The Applicant still has to be confronted with the banking trail, the CDR and IMEI material, and the results of the independent verification undertaken on the strength of his explanation. The identities of Dinesh and Hitesh, the Applicant's precise connection with Waveland Comestible Pvt. Ltd., and the onward movement of the money credited to his account remain unresolved.

17. Custodial interrogation is not justified merely because the Investigating Agency asks for it. The need must arise from the facts of the case. Here, it is linked to identified gaps in the money trail, the asserted commercial transaction and the electronic evidence. In *State represented by CBI v. Anil Sharma*,³ the Supreme Court observed that custodial interrogation may be qualitatively more elicitation-oriented than questioning a person protected by an order of anticipatory bail. *Ashok Kumar* applies the same principle in the setting of a digital-arrest investigation. On the material presently available, the request for custodial interrogation, therefore, cannot be treated as routine or unsupported.

18. The offer to deposit INR 5,31,168/- does not resolve any of these issues. This is not a recovery proceeding limited to that sum. The investigation must determine how money traced to the alleged fraud reached the Applicant's account, whether the transaction offered in explanation was genuine, and where the funds moved thereafter. A subsequent deposit cannot supply those answers.

19. The nature of the offence, by itself, does not decide the application. Nor does the Applicant's position as a second-layer account holder. What



matters is the identified trail of funds into his account, the circumstances in which the credit was received, the gaps in the transaction offered as an explanation, the objective material which presently does not support important parts of that account, and the investigative steps that remain outstanding.

20. Even on merits, therefore, the Applicant has not made out a case for the exercise of discretion under Section 482 of the BNSS. This conclusion stands independently of the further objection that the present application is successive and discloses no change in circumstance after the earlier petition was withdrawn.

21. The application is dismissed.

22. All observations in this order are confined to the present application and are prima facie. They shall not influence the course of the investigation or the trial on merits.

SANJEEV NARULA, J

OCTOBER 1, 2026/hc

³ (1997) 7 SCC 187.