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

\# **CNR No. DLHC010541732026**

\+ BAIL APPLN. 4817/2026

NASEEM SHEIKH .....Petitioner

Through: Mr. Rahul Sharma and Mr. Gyan Ranjan,Advocates.

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Manoj Pant, APP for the State with IO SI Ramesh Yadav IFSO, Special Cell.

CORAM:
HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

O R D E R

% 06.11.2026

1. Hybrid mode.

CRL.M.A. 35184/2026 (exemption)

2. Allowed, subject to all just exceptions on the condition that the requisite documents shall be filed as per Delhi High Court Rules.

3. Application stands disposed of.

BAIL APPLN. 4817/2026 & CRL.M.A. 35183/2026 (for interim protection).

4. This is an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS'), corresponding section 438 of the Code of Criminal Procedure, and 1973 (hereinafter referred to as 'Cr.P.C.' seeking grant of anticipatory bail on behalf of the

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applicant. The plea for interim protection has not been pressed. instead the this application is.

5. Anonymity in cyberspace has given rise to several situations, both positive and negative. It is, after all, human nature to use and misuse any instrument or authority placed at one's disposal. The Internet, while having brought considerable comfort, convenience and efficiency into everyday life, has also provided fertile ground for organised cybercrime.

6. Internet wolves, operating in packs, are increasingly on the prowl in cyberspace, acting in tandem and exploiting technology to defraud unsuspecting individuals. The ever-increasing instances of cyber fraud, phishing, digital impersonation and other organised financial crimes are a stark reminder of the darker side of this technological revolution.

7. In the instant case, the applicant is alleged to have operated as a key conspirator in an organised syndicate which, along with its associates, defrauded unsuspecting persons by inducing them to transfer substantial sums of money on the false promise of receiving higher amounts in cash, only to hand over suitcases containing counterfeit currency notes.

8. The precise facts of the case, as emerging from the record, are as expounded below:

a) FIR No. 09/2025 was registered on 05.06.2025 at Police Station Special Cell, IFSO, Delhi, on the complaint of Akash Verma, alleging that on 04.06.2025 he was induced to transfer Rs. 1 crore through Real Time Gross Settlement (RTGS) from his Axis Bank account to Bank of Baroda account No. 05860200002270, held in the name of

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Rashtriya Manav Party, Parliament Branch, on the assurance of receiving Rs. 1.20 crore in cash. The red suitcase handed over to him at at, Tughlakabad Extension, was, however, found to contain counterfeit notes bearing the markings "Full of Fun" and "Churan Label", along with books.

b) During investigation, several accused, including Alakh Kumar, Shankar Prasad and Anup Kumar Jaiswal, were apprehended. The applicant, Naseem Sheikh @ Thakur, was named as the alleged mastermind in the disclosure statements of Anup Kumar Jaiswal and other co-accused recorded on 20.06.2025. The prosecution attributes to him the role of coordinating the co-accused, assigning them specific roles and supervising the fraudulent transactions.

c) The prosecution relies upon WhatsApp conversations, call detail records, witness statements and the banking trail. It is alleged that co-accused Maskar Yogesh Shetty and Shikha Raj routed the funds through bank accounts and that co-accused Tara Maheshwari, arrested on 19.08.2025, collected approximately Rs. 93 lakh and subsequently handed over the amount to the applicant after retaining her share. Witnesses Shrikant and Rakesh Bharti were also examined, they were workers at Rashtriya Manav Party office, who facilitated in transferring cash. The charge-sheet was filed on 16.09.2025, while Rs. 92,56,500/- is stated to remain unrecovered.

9. Learned counsel for the applicant submits that the applicant was neither named in the original complaint nor in the FIR and that his involvement is primarily based upon the disclosure statement of a co-

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accused. It is further submitted that all other accused persons have already been granted bail; the applicant is willing to join and cooperate with the investigation; and there is no likelihood of his absconding or tampering with evidence. It is contended that the applicant is a person of repute, has been falsely implicated, and that his detention would serve no useful purpose and would amount to pre-trial incarceration.

10. Per contra, learned Additional Public Prosecutor, opposing the application, submits that the applicant is one of the principal conspirator and ultimate beneficiary of the fraudulent transactions. It is further submitted that despite being served with a notice under Section 35(3) BNSS, requiring him to join the investigation on 27.08.2026, the applicant failed to do so. His custodial interrogation is stated to be necessary to trace the unrecovered amount, ascertain the complete modus operandi and identify the remaining persons involved in the syndicate.

11. This Court has considered the rival submissions and considered the material placed on record. It is true that the applicant was not named in the initial complaint. However, the investigation has allegedly unearthed material beyond the disclosure statement of the co-accused, including electronic evidence and the money trail, which *prima facie* indicate his involvement in the alleged conspiracy. The question of the evidentiary value of such material is a matter to be examined during trial and cannot be conclusively determined at this stage.

12. The allegations are not confined to an isolated act of cheating but disclose an organised operation involving several persons performing distinct roles, resulting in the alleged defrauding of the complainant to the

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tune of Rs. 1 crore. The applicant is attributed a pivotal role in the organisation and execution of the said operation, besides being alleged to have received a substantial portion of the proceeds of the crime.

13. It is also relevant that the applicant has failed to join the investigation despite service of notice and an earlier direction to do so. His subsequent willingness to cooperate, by itself, does not adequately address the apprehension expressed by the investigating agency, particularly when a substantial amount remains untraced and the investigation into the financial trail and the role of other associates is stated to be continuing.

14. The fact that the co-accused persons have been granted bail cannot, in the circumstances, be treated as a ground for extending similar relief to the applicant, particularly when the role attributed to him is distinct and substantially more serious. Further, the applicant has also been stated to be involved in another case involving a similar modus operandi, as reflected in the status report.

15. This Court is, therefore, of the considered view that the nature and gravity of the allegations, the specific role attributed to the applicant, the substantial amount yet to be recovered and his failure to join the investigation, taken cumulatively, do not warrant the grant of extraordinary protection under Section 482 of the BNSS. The requirement of custodial interrogation, in the facts of the present case, cannot be brushed aside.

16. Accordingly, the present application seeking anticipatory bail is dismissed. Pending application(s) if any, stand disposed of.

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17. Needless to state, the observations made hereinabove are confined to the adjudication of the present application and shall not be construed as an expression of opinion on the merits of the case during trial.

VIMAL KUMAR YADAV, J

NOVEMBER 6, 2026/*ij*

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