

**Bail Application No. 1466/2025**  
**State Vs. Sunil Kumar**  
**FIR No. 310/2024**  
**U/s 419/420/120B IPC & 66C & 66D IT Act**  
**PS Special Cell**

10.11.2025

**Present:** Sh. Mukul Kumar, Ld. Addl. PP for State.  
Sh. Utkarsh Bhatt, Ld. Counsel for applicant/accused.  
IO Inspector Satish Kumar is present.

1. The present application has been filed by the applicant/accused, Sunil Kumar, under Section 438 of the Code of Criminal Procedure, 1973 (Cr.P.C.), seeking anticipatory bail in connection with the aforementioned FIR registered at Police Station IFSO Special Cell, Delhi. The applicant apprehends arrest in relation to allegations of cheating, criminal conspiracy, and offenses under the Information Technology Act, 2000, stemming from a complaint lodged by Rajiv Anand, a resident of Defence Colony, New Delhi.
2. Briefly stated, the complainant, an ex-Indian Air Force officer, alleged that he was induced into investing substantial amounts through a fraudulent online stock trading platform named "UWMIN App." The scheme promised abnormally high returns, leading the complainant to transfer funds totaling approximately Rs. 59,41,000/- from various bank accounts to accounts controlled by the accused persons. The fraud involved impersonation, false representations of a legitimate international stock trading firm ("US Bancorp"), and unauthorized use of digital means to deceive the complainant. Key individuals identified in the FIR include

Soumya Pathak @ Sneha, Raman Thakur @ Rohan Gujar, Veenit Jindal @ Tahir Emran, and others, who allegedly administered WhatsApp groups and facilitated the fraudulent transactions. The complainant realized the fraud when promised proceeds, including commissions and profits, were not released, and further demands were made under pretexts such as taxes and penalties.

3. Learned counsel for the applicant submitted that the applicant is a peace-loving, law-abiding citizen with no prior criminal antecedents and is not named in the FIR. It was argued that the allegations against the applicant are speculative, unfounded, and lack substantive evidence. Specifically, the counsel emphasized that the applicant has no direct involvement in the alleged fraudulent activities, as he is neither a certified nor a registered individual authorized to engage in stock market transactions. The applicant's name surfaced only during the investigation based on a disclosure statement, without any material evidence linking him to the offense. Furthermore, it was contended that there is no available incriminating chat or communication between Amit Jain (an individual purportedly connected to the case) and the present applicant/accused. As such, except for the disclosure statement—which is inadmissible as evidence under law—there is nothing substantive against the applicant.
4. The counsel further argued that the FIR fails to disclose any credible evidence of the applicant's involvement in a criminal conspiracy under Section 120-B IPC or cheating by impersonation using computer resources under Sections 66C and 66D of the IT Act. The transactions narrated in the FIR appear to be inducements by third parties unknown to the applicant, and there is no allegation that the applicant made any representations, induced any payments, or received any monetary

benefits. Reliance was placed on the Supreme Court judgment in **Sushila Aggarwal v. State (NCT of Delhi), (2020) 5 SCC 1**, wherein it was held that anticipatory bail can be granted without imposing arbitrary conditions where the accused demonstrates cooperation and non-flight risk. The applicant has already complied with a notice under Section 41-A Cr.P.C. by appearing before the Investigating Officer on 28.04.2025, submitting a written reply, and expressing willingness to join the investigation. The delay in registering the FIR (from March 2024 to May 2024) raises concerns about its credibility, and the investigation lacks transparency, potentially driven by ulterior motives.

5. Per contra, the learned Additional Public Prosecutor for the State opposed the application, submitting that the investigation is at a nascent stage and the applicant's custodial interrogation is necessary to recover evidence, trace the money trail, and uncover the full extent of the conspiracy. It was argued that the offense involves a sophisticated cyber fraud affecting public trust in financial systems, and granting bail would hamper the probe. However, the prosecution could not produce any concrete evidence beyond the disclosure statement to implicate the applicant directly.
6. I have heard the learned counsel for the applicant and the learned APP for the State at length and perused the material on record.
7. At the outset, it is pertinent to note that the power under Section 438 Cr.P.C. is to be exercised judiciously to protect personal liberty from unwarranted arrest, while ensuring the investigation is not obstructed. The Supreme Court in **Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565**, has laid down guidelines emphasizing that anticipatory bail

should be granted where the allegations appear mala fide or where there is no prima facie case.

8. Upon careful examination of the record, it emerges that the applicant's name does not figure in the FIR, and his alleged involvement is based solely on a disclosure statement obtained during the investigation. Disclosure statements, as settled by law, are not admissible as evidence under Section 27 of the Indian Evidence Act, 1872, unless leading to the recovery of incriminating material. No such recovery has been effected from the applicant. Crucially, there is no available incriminating chat or direct communication between Amit Jain and the present applicant/accused, which undermines the prosecution's claim of conspiracy or active participation. Except for the aforementioned disclosure, there is nothing substantive on record to connect the applicant to the alleged offenses under Sections 419, 420, 120-B IPC, or Sections 66C and 66D of the IT Act. The CDR without the context of the conversation do not prima facie establish conspiracy.
9. The nature of the allegations, while serious, does not warrant custodial interrogation at this stage, as the evidence collected thus far is primarily digital and financial, which can be probed without the applicant's detention. Granting anticipatory bail will not prejudice the investigation, provided suitable conditions are imposed to ensure cooperation.
10. **In view of the above, the application is allowed. The applicant/accused, Sunil Kumar, is directed to be released on anticipatory bail in the event of his arrest, upon furnishing a personal bond in the sum of Rs. 20,000/- (Rupees Twenty Thousand only) with one surety in the like amount, to the satisfaction of the Investigating Officer/SHO concerned, subject to the following conditions:**

- a) **The applicant shall join the investigation as and when required and cooperate fully with the Investigating Officer.**
  - b) **The applicant shall not directly or indirectly tamper with evidence or influence any witnesses.**
  - c) **The applicant shall not leave the country without prior permission of the Court.**
  - d) **The applicant shall not indulge in any similar criminal activity or contact the complainant or any witnesses.**
  - e) **In case of breach of any of the above conditions, the State shall be at liberty to move for cancellation of bail.**
11. Nothing in this order shall be construed as an expression of opinion on the merits of the case, which shall be determined during trial.
12. **The application stands disposed of accordingly.**

**(Saurabh Partap Singh Laler)**  
**ASJ-05, New Delhi District**  
**Patiala House Courts, New Delhi**  
**10.11.2025**