



2025:DHC:11768



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

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Judgment reserved on: 12.12.2025

Judgment Delivered on: 22.12.2025

+ **BAIL APPLN. 3457/2025**

AJAY

.....Petitioner

Through: **Mr. C.M. Sangwan, Advocate.**

versus

THE STATE (GOVT. OF NCT DELHI)

.....Respondent

Through: **Mr. Ajay Vikram Singh, APP for
State with SI Bunty Drall, PS-KNK Marg.**

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

JUDGMENT

VIKAS MAHAJAN, J

1. The present petition has been filed on behalf of petitioner under Section 482 BNSS, 2023 seeking anticipatory bail in connection with FIR No. 645/2024 under Section 351(3)/3(5)/61(2)/308(4) BNS, 2023 registered at PS-K.N. Katju Marg.

2. The case of the prosecution as borne out from the status report dated 24.11.2025 is that a case was registered on the statement of complainant Pawan Dua, who alleged that through WhatsApp calls, threats voice message and clippings received on 24.12.2024 from Malaysia and also on 08.01.2025 from Dubai, an attempt was made to extort an amount of Rs.5 Crores.



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3. During the course of investigation, accused Naveen @ Sonu was arrested in the present case and one paper slip having national /international phone numbers, jail numbers and the complainant's number was recovered from his possession and taken in police possession through a seizure memo.
4. During further investigation, co-accused Satinder @ Matru was arrested by the Crime Branch, Prasant Vihar, Delhi, from whom a passport and two boarding passes were recovered.
5. During interrogation, co-accused Satinder @ Matru disclosed that he made extortion call from UAE along with his accomplice namely, Ajay Kumar (present petitioner). Air tickets of the present petitioner were obtained from the FRRO.
6. Investigation further divulges that as per the disclosure statement of co-accused Satinder @ Matru, him and the petitioner i.e., Ajay Kumar went to Malaysia on 16.12.2024, where the petitioner took a Malaysian sim and mobile phone as per their plan. On the petitioner's behest, Satinder @ Matru, called the complainant Pawan Dua on whatsapp on 24.12.2024 from his Malaysian number, that is, +601117177186 and demanded an amount of Rs. 5 Crores. He further threatened the complainant of dire consequences for disobeying his directions. Yet another call was made on the petitioner's whatsapp from another Malaysian number, that is, + 60116072506. However, despite several attempts they could not execute their plan.
7. It is alleged that the petitioner was in regular contact with co-accused Satinder @ Matru and the same has also been corroborated with their passports and travel history.
8. Mr. C.M. Sangwan, learned counsel appearing on behalf of petitioner



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submits that petitioner was granted interim protection by the Court of learned Additional Sessions Judge, Spl. FTC (North), Rohini Courts and pursuant to such interim protection, he joined investigation as and when he was called by the investigating officer.

9. However, the above position is controverted by Mr. Ajay Vikram Singh, learned APP appearing on behalf of State. He has argued on the lines of the status report.

10. He submits that the petitioner is a habitual offender and is involved in other criminal cases. He further contends that the petitioner is a member of Gogi Gang.

11. He submits that travel history clearly shows that the petitioner and co-accused Satinder @ Matru travelled together to Malaysia and both of them were in Malaysia together when the first extortion call was received by the complainant on 24.12.2024 and the same is corroborated by their travel history and passports. He further submits that the petitioner as well as co-accused Satinder @ Matru were together in Dubai when another call was received by the complainant on 08.01.2025.

12. He submits that the petitioner despite joining investigation, did not cooperate inasmuch as the petitioner did not hand over his mobile phone to the investigating officer stating that his mobile number got damaged and he has not purchased any other mobile phone thereafter. He contends that open NBWs and an LOC have been issued against the petitioner at the instance of Delhi Police.

13. In rejoinder, the learned counsel for petitioner submits that the petitioner is willing to hand over the mobile phone.



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14. I have heard Mr. C.M. Sangwan, learned counsel for the petitioner as well as Mr. Ajay Vikarm Singh, learned APP for the State and perused the record.

15. The law is well settled that while deciding an application for pre-arrest bail, the Court has to take into account the nature and gravity of accusation, the severity of the potential punishment, the existence of prima facie material, the likelihood of the accused fleeing from justice, and the possibility of tampering with evidence or influencing witnesses. In this regard reference may be had to the decision of the Hon'ble Supreme Court in *Siddharam Satlingappa Mhetre v. State of Maharashtra and Ors.*, (2011) 1 SCC 694 wherein the following factors and parameters to be taken into consideration while dealing with anticipatory bail were enumerated:

“112. The following factors and parameters can be taken into consideration while dealing with the anticipatory bail:

- (i) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;*
- (ii) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;*
- (iii) The possibility of the applicant to flee from justice;*
- (iv) The possibility of the accused's likelihood to repeat similar or other offences;*
- (v) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her;*
- (vi) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;*



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(vii) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which the accused is implicated with the help of Sections 34 and 149 of the Penal Code, 1860 the court should consider with even greater care and caution because over implication in the cases is a matter of common knowledge and concern;

(viii) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to the free, fair and full investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused;

(ix) The court to consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;

(x) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail.”

16. As per the prosecution case, three extortion calls were received by the complainant. The first extortion call was received by the complaint from Malaysia on his Whatsapp. The said call was received from number + 601117177186 on 24.12.2024 whereby an amount of Rs. 5 Cr. was demanded and the complainant was threatened with dire consequences for not following directions. Thereafter, another call was received by the complainant from Malaysia, but from a different number, whereby again an amount was demanded and threats were extended. The third call was made from Dubai.



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17. During interrogation, co-accused Satinder @ Matru disclosed that he made extortion calls from Dubai, UAE along his accomplice namely Ajay Kumar (present petitioner). It is further the case of the prosecution that from Malaysia, co-accused Satinder @ Matru went to Dubai on 02.01.2025 and the present petitioner returned to India. On 05.01.2025, the petitioner went to Dubai to meet co-accused Satinder @ Matru and informed that the complainant did not give the extortion money. Hence on 08.01.2025, they made a threat call to the complainant. Accused Satinder @ Matru returned to India on 10.01.2025 and was arrested by the Crime Branch, as noted above.

18. As per passport travel history, co-accused Satinder @ Matru and the present petitioner were both present in Malaysia and Dubai on 24.12.2024 and 08.01.2025, respectively, when extortion calls were made. It is further stated in the status report that the petitioner knew that LOC has been opened against him, therefore, he travelled from Dubai to Nepal and from there he travelled by road to India to avoid arrest at the Airport.

19. It is thus evident that the petitioner is trying to circumvent the investigation in the present FIR.

20. Notably, the petitioner was granted interim protection by the learned Trial Court, but he did not produce the mobile phone, and the justification put forth by him during interrogation is that he was using an iPhone 12 Pro Max with sim no. 9991003939 in Dubai which was damaged in February, 2025 so it was thrown away and he did not purchase another phone in Dubai.

21. He further stated that he had been living in Dubai for about 8 months and working in a Real Estate Company on commission basis and was



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receiving his payment in cash, but did not provide the name of his office/company.

22. The accusations against the petitioner are serious. Besides that there is a specific role attributed to the petitioner and there is also material to *prima facie* show the involvement of the petitioner in the alleged offence. Further, the very fact that LOC has been issued against the petitioner and to avoid arrest at the airport, petitioner first came to Nepal from Dubai and then travelled by road to India, shows the possibility of the petitioner fleeing from justice in the event concession of anticipatory bail is granted to him.

23. That apart, the petitioner has previous involvements. The previous conviction/involvement report filed along with the status report shows that petitioner is arraigned as an accused in - (i) FIR no. 387/2021 under Sections 354/354B/506/34 IPC registered at PS-Dwarka South; and (ii) FIR NO. 02/2019, under Sections 387/506/120B/34 IPC registered at PS-Alipur.

24. Having examined the entire available record and particularly the allegations which have been directly attributed to the petitioner, as well as, the fact that the said allegations are corroborated by the material and circumstances enumerated in the status report, and keeping in mind the antecedents of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

25. The application for anticipatory bail is thus, dismissed.

VIKAS MAHAJAN, J

DECEMBER 22, 2025/jg