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

CNR No. DLHC010177932026

+ **BAIL APPLN. 1613/2026 & CRL.M.A. 22128/2026**

SANTOSH KUMAR

.....Petitioner

Through: Mr. Nitish Kumar Singh, Mr. Amit
Kumar Thakur, Mr. Amritesh Anand
and Mr. Shashank Kumar, Advs.

versus

THE STATE OF NCT OF DELHI AND ANRRespondents

Through: Mr. Manoj Pant, APP with SI Jayesh
Kalal and SI Dipika.
Mr. Bharat Chugh, Mr. Maanish M.
Choudhary, Mr. Jai Allagh, Ms. Payal
Gupta and Ms. Sukriti Saxena, Advs.
for R-2.

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

% **18.08.2026**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS') seeking anticipatory bail in FIR No. 132/2026 registered at Police Station Adarsh Nagar, Delhi under Sections 82(2)/115(2)/318 of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as 'BNS').
3. Learned counsel for the complainant submits that despite the directions issued by this Court *vide* order dated 05.06.2026, whereby the petitioner was directed to pay a sum of Rs.10 lakhs to the complainant, no amount has been



deposited by the petitioner till date.

4. He further submits that on 05.06.2026, it was the learned counsel for the petitioner himself who, on instructions of the father of the petitioner, had made the submission before this Court regarding payment of the aforesaid amount. However, till date, no payment has been made and the petitioner continues to enjoy the *interim* protection granted by this Court.

5. Learned counsel for the petitioner submits that petitioner is not in a position to deposit the aforesaid amount and he can deposit the same within a period of six months and till that period he be granted *interim* protection.

6. Learned counsel for the petitioner further submits that the FIR does not disclose the commission of an offence under Section 318 BNS, as there is no specific allegation of cheating against the petitioner and the allegations essentially arise out of financial transactions between the parties.

7. Learned counsel for the petitioner submits that Section 82(2) BNS is a non-cognizable and bailable offence. He further submits that the offence is triable by a Magistrate and, therefore, the petitioner ought not to be subjected to custodial interrogation.

8. He further submits that the allegations regarding the financial transactions between the parties, by themselves do not make out an offence of cheating under Section 318 BNS. He submits that the transactions relied upon by the complainant pertain to loans taken by her and the subsequent transfer of amounts to the account of the petitioner. It is further submitted that the offence under Section 115(2) BNS is also bailable.

9. *Per contra*, learned counsel for the complainant as well as learned APP for the State submit that the petitioner, despite being already married intentionally and deceitfully induced the complainant to enter into marriage



with him. It is submitted that the petitioner married the complainant in the year 2017 while his earlier marriage was still subsisting and as per the complainant, he had concealed the fact that he had three children from his earlier marriage.

10. Learned counsel for the complainant further submits that the complainant bore the household expenses and that two children, a son and a daughter, were also born from the marriage between the complainant and the petitioner. It is further submitted that the petitioner induced the complainant to avail loans from various banks and thereafter caused the amounts so obtained to be transferred to his account, either in cash or through bank transfers and utilised the same for his personal purposes. It is submitted that, as on date the complainant is required to pay EMIs of approximately Rs.47,000/- per month, despite being a Government employee.

11. Learned APP for the State submits that the investigation is still underway and the charge-sheet has not yet been filed.

12. Learned counsel for the complainant has also drawn the attention of this Court to Section 174(4) of the BNSS, corresponding to Section 155(4) of the Code of Criminal Procedure, 1973, which provides that where a case relates to two or more offences, of which at least one is cognizable, the case shall be deemed to be a cognizable case, notwithstanding that the other offences are non-cognizable.

13. It is, therefore, submitted that in the present case, since Section 318(4) BNS is a cognizable offence, the mere fact that some of the other offences invoked are non-cognizable would not render the present case non-cognizable.

14. Learned counsel for the complainant further submits that, in the



aforesaid circumstances the Investigating Officer has the power to investigate the case and take appropriate steps in accordance with law. It is further submitted that the petitioner has not only been evading the investigation but has also failed to comply with the condition imposed by this Court regarding payment of Rs.10 lakhs. It is submitted that the mediation proceedings between the parties have also failed.

15. The Court has considered the submissions made by learned counsel for the parties, the learned APP for the State and has also perused the material placed on record.

16. The allegations against the petitioner are that, despite being married and having children from his earlier marriage, he concealed the said fact from the complainant and induced her to enter into marriage with him. It is further alleged that thereafter the petitioner induced the complainant to avail personal loans and utilised the amounts so obtained for his own purposes. The complainant has also alleged that substantial amounts were transferred to the petitioner through bank transactions.

17. The contention of learned counsel for the petitioner that the dispute is essentially in respect of financial transactions between the parties and, therefore, no offence of cheating is made out cannot be accepted at this stage. Whether the requisite ingredients of the offence under Section 318 BNS are ultimately established is a matter which would have to be examined on the basis of the material collected during investigation.

18. It is also relevant that the investigation is still underway and the charge-sheet has not yet been filed. The material placed before the Court indicates that the allegations are not confined merely to a dispute regarding repayment of money, but also concern the circumstances in which the complainant was



allegedly induced to enter into the matrimonial relationship and thereafter to avail loans and part with the amounts so obtained.

19. The contention regarding the bailable and non-cognizable nature of Section 82(2) BNS also does not, by itself, entitle the petitioner to anticipatory bail in the present case. Section 174(4) BNSS specifically provides that where a case relates to two or more offences, of which at least one is cognizable, the case shall be deemed to be a cognizable case. In the present FIR, Section 318(4) BNS is a cognizable and non-bailable offence.

20. The conduct of the petitioner is also relevant. Despite the conditional *interim* protection granted by this Court and the specific direction dated 05.06.2026 to pay a sum of Rs.10 lakhs to the complainant, the petitioner has admittedly not deposited the said amount till date. Learned counsel for the petitioner seeks a further period of six months to make the payment. However, no satisfactory explanation has been placed before the Court for the non-compliance with the direction already issued.

21. In the facts and circumstances of the present case, particularly considering the nature of the allegations, the fact that the investigation is still underway, the allegations regarding concealment of the earlier marriage and inducement of the complainant to avail loans and part with the amounts, as well as the conduct of the petitioner in not complying with the condition imposed by this Court, this Court is not inclined to grant the discretionary relief of anticipatory bail to the petitioner.

22. The present petition is dismissed. Pending application(s), if any, stand disposed of. *Interim* order(s), if any, stands cancelled.



23. The order be uploaded on the website *forthwith*.

MADHU JAIN, J

AUGUST 18, 2026/JYH/P