



2026:DHC:5528



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

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Date of Decision: 10.07.2026+ **BAIL APPLN. 2178/2026 & CRL.M.A. 17862/2026**

NITU DEVI

.....Petitioner

Through: Mr. Ritik Arora, Advocate (*through
videoconferencing*).

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Hemant Mehla, APP for State
with SI Neeraj Kumar.**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The applicant/accused seeks anticipatory bail in case FIR No. 36/2026 of Police Station Subhash Place, North West Delhi, Delhi for offence under Section 316(4)/318(2)/3(5) of BNS.

2. I have heard learned counsel for accused/applicant and learned APP for State assisted by IO/SI Neeraj Kumar.

3. Broadly speaking, prosecution case is that the complainant *de facto* company namely M/s Mars Cosmetics Private Limited engaged services of



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their employee, Vishwas Kumar for hiring social influencers for publicity of their products, but Vishwas Kumar diverted the money received from Mars Cosmetics partly to the firm namely M/s Social Adda, created by the present accused/applicant. The present accused/applicant is the mother of the accused Vishwas Kumar.

4. Learned counsel for accused/applicant submits that the accused/applicant is innocent and has been falsely implicated. It is also contended that the transaction between the complainant *de facto* and the accused/applicant was a simple business transaction, which has been given a colour of criminality.

5. Learned APP for State opposes the bail application. It is contended by learned APP for State that the total amount involved in the alleged siphoning off to Social Adda was Rs.1,80,000/- only. It is also submitted that the said amount was transferred by the complainant *de facto* itself to the account of Social Adda and from there, the same was withdrawn by the co-accused Vishwas Kumar.

6. Going by the above factual matrix, keeping in mind the admitted position that Vishwas Kumar is son of the present accused/applicant, who is running Social Adda, transfer of money from the accused/applicant to her son *prima facie* does not inspire existence of any culpability of the present accused/applicant. The IO is unable to show any written contract or



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directions issued by the complainant *de facto* to the co-accused Vishwas Kumar to not to engage any other firm (*Social Adda in the present case*) for contracting with the influencers. I find substance in the submissions of learned counsel for accused/applicant that for services obtained from Social Adda, the complainant *de facto* paid to the said firm directly and it is a business transaction.

7. It is also the admitted position that the accused/applicant has been joining investigation as and when directed by the IO.

8. Considering the overall circumstances as described above, I find no reason to deprive the accused/applicant liberty.

9. The application is allowed and it is directed that in the event of her arrest, the accused/applicant shall be released on bail, subject to her furnishing a personal bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the IO/SHO.

10. Nothing observed in this order shall be read to the prejudice of either side by the trial court.

**GIRISH
KATHPALIA**
**GIRISH KATHPALIA
(JUDGE)**

Digitally signed by GIRISH KATHPALIA
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JULY 10, 2026/dr

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