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

+ **BAIL APPLN. 1953/2015**

NARESH MALHOTRA

..... Petitioner

Through Mr. Sunil K. Mittal, Mr. Naresh C.
Sharma and Mr. Kshitiz Mittal, Advs.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through Ms. Neelam Sharma, APP for the State
along with SI Govind Singh.
Mr. Nikhilesh Kumar, Adv. for the
complainant.

+ **BAIL APPLN. 1955/2015**

ANU MALHOTRA

..... Petitioner

Through Mr. Sunil K. Mittal, Mr. Naresh C.
Sharma and Mr. Kshitiz Mittal, Advs.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through Ms. Neelam Sharma, APP for the State
along with SI Govind Singh.
Mr. Nikhilesh Kumar, Adv. for the
complainant.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **16.09.2015**

Crl. M.A. No.13575/2015 (Exemption) in BAIL APPLN. 1953/2015

Exemption is allowed subject to all just exceptions.

Application disposed of.

BAIL APPLN. 1953/2015 & BAIL APPLN. 1955/2015

The petitioners before this Court are Naresh Malhotra and Anu Malhotra. They are husband and wife. FIR has been registered on the

complaint of Sonia Gulati. This FIR has been registered under Section 420/406/506/34 of the IPC. The version of the complainant is that she had purchased a property i.e. property bearing No. L-2/45, Mohan Garden, Uttam Nagar measuring 100 square yards from one Rajender Prasad. Documents to the said effect which included a power of attorney, agreement to sell and receipt have been executed by Rajender Prasad. Further submission is that these documents were witnessed by petitioner No. 1 Naresh Malhotra. The contents of the FIR disclose that Naresh Malhotra had been handed over these papers along with his son Mayank at the time when the alleged raid had been conducted in the house of the complainant as the complainant was purportedly making infringing material. At that time, the complainant who was a widow was scared and she had handed over her property papers to Naresh Malhotra. She had done this on the trust relationship with Naresh Malhotra. Further allegation is that thereafter sometime in April, 2013, the said property has been transferred in the name of Anu Malhotra, the wife of petitioner No. 1. This has been done clandestinely.

Learned counsel for the petitioners submits that this is largely a civil dispute for which two civil suits are pending inter-se the parties. The complainant is a habitual offender and even in the year 2011, a raid had been conducted in her premises for which she had been taken into custody. The conduct of the complainant is un-becoming.

Noting the above factum as also the documents which have been brought on record which admittedly includes the agreement to sell, power of attorney and receipt which show that Rajender Prasad had entered the property transaction and had sold this property in favour of

the complainant for Rs.7,25,000/- in the year 2012 and which documents stand witnessed by petitioner No. 1 (Naresh Malhotra), the submissions made by the learned counsel for the petitioners, at this stage, are difficult to digest. The statement of Rajender Prasad has also been recorded to the said effect. The original papers, as per the complainant, had been handed over to petitioner No. 1 Naresh Malhotra and his son as she was scared that a raid had been conducted in her house. It was thus on this faith relationship that these documents had been handed over to him and thereafter with a deceitful intention that the property stood transferred in the name of the wife Anu Malhotra who is the direct beneficiary of this transaction. The submission of the learned counsel for the State that the custodial interrogation of the petitioners is eminent stands fortified.

No ground is made out for anticipatory protection. Dismissed.

INDERMEET KAUR, J

SEPTEMBER 16, 2015

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