$~2

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

Judgment delivered on: 7th August, 2015

\+ **BAIL APPL. No. 1503/2015**

AMAN GUPTA ..... Petitioner

Represented by: Mr.Nittin Mittal, Advocate with Mrs.Veena Mittal, mother of the Petitioner in person.

Versus

STATE ..... Respondent

Represented by: Mr.Ravi Kumar, Additional Public Prosecutor for the State with Inspector Parveen Ahlawat, ATO/PS Rani Bagh.

CORAM:
HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. **(Oral)**

1. The present petition under Section 439 read with Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner for grant of bail in case bearing FIR No.979/2014 registered at Police Station Rani Bagh, Delhi, for the offences punishable under Sections 406/420/120-B IPC.

2. It is noted that the petitioner was arrested on 10.03.2015. During his judicial custody, the petitioner was granted interim bail vide order dated 29.05.2015 as he assured the Court that he will arrange some reasonable amount. Pursuant thereto, the petitioner offered an amount of Rs.2,00,000/-, however, the said amount was not accepted by the Court

against the alleged cheated amount of more than Rs. 1,00,00,000/- (one crore), therefore, without commenting upon the merits of the case, the interim protection granted vide order dated 29.05.2015 was recalled by this Court vide its order dated 07.07.2015. Consequently, he was directed to surrender before the Jail Authorities by 5.00 PM on that date itself. Since then, the petitioner is in judicial custody.

3. Learned counsel appearing on behalf of the petitioner submits that there was no committee business and rather the petitioner alongwith his father Tejpal Gupta was framed and implicated in the present case falsely and there was only business transactions/rivalry of the amount between Rs.8,00,000/- to Rs.9,00,000/- and even the goods are lying in the shop which are to be returned to the complainants of the case.

4. Learned counsel further submits that pursuant to assurance given by the learned counsel for the petitioner on 29.05.2015, the petitioner and his mother tried their level best but could not arrange the money. Somehow the mother of the petitioner has arranged an amount of Rs.4,50,000/-, i.e., Demand Draft No.015288 dated 02.07.2015 for a sum of Rs.2,00,000/- and Demand Draft No.015356 dated 14.07.2015 for a sum of Rs.2,50,000/- both drawn on Axis Bank Limited Derawal Nagar, New Delhi, in the name of the Registrar of this Court, Annexure P-7 and P-8 respectively. Apart from this, mother of the petitioner, who is present in person, has also brought a sum of Rs.1,00,000/- in cash.

5. Learned counsel submits that as per the chargesheet, the total amount allegedly involved is Rs.1,00,91,681/-, whereas in the status report filed by the prosecution in this case, the amount is more than

Rs.6,00,00,000/-. Even if it is presumed that a committee business was going on between the parties, then also, the said business cannot involve this huge amount. He submits that these are all disputed facts, the petitioner has already remained in custody for more than four months, moreover, the petitioner has recently completed B.Tech (Mechanical) from I.P.University, searching for employment and has no knowledge of the business transactions of his father, thus, the petitioner may be released on bail.

6. On the other hand, learned Additional Public Prosecutor appearing on behalf of the State submits that in this case main accused is Tejpal Gupta, father of the petitioner. During investigation, father of the petitioner was taken into police remand, police visited the shop No.2901, Sant Nagar, Rani Bagh, Delhi, on 14.03.2015 and seized some documents from there. This shop has been taken on rent by petitioner's father Tejpal Gupta. The petitioner in his bail applications dated 21.03.2015 and 24.03.2015 has accepted that they were running some committees. However, all the committees being operated by the petitioner and his father were illegal as they are not having any license for the same.

7. Learned Additional Public Prosecutor further submits that the specimen signatures and handwriting of the accused have been sent to FSL, Rohini, for seeking opinion. The result of the same is still awaited. Out of the said receipts, one receipt of Rs.30,240/- dated 01.07.2014 has been issued by the petitioner, whereas all the slips were alleged to be signed by his father Tejpal Gupta. Since the petitioner and his father are the main culprits, who have cheated a number of complainants,

thus, the petitioner should not be released on bail.

8. The fact remains that the petitioner was arrested on 10.03.2015. Thereafter vide order dated 29.05.2015, interim bail was granted to him and he remained out of judicial custody for about one month. Since the petitioner could not arrange the reasonable amount except Rs.2,00,000/-, which was not accepted by the Court, the said interim protection was recalled by this Court vide order dated 07.07.2015 with a direction to surrender before the Jail Authorities. Further amount of Rs.2,50,000/- was arranged by the petitioner and his mother and an additional amount of Rs.1,00,000/- is also arranged by the mother of the petitioner, as stated above. However, she shows her inability to arrange more than that amount.

9. It is an admitted case that role of the petitioner is that he was helping in the business of his father, he is not the main culprit, allegedly signed only one receipt amounting to Rs.30,240/- dated 01.07.2014 and already remained in judicial custody for around four months. Therefore, I am of the opinion that the present petitioner may be released on bail.

10. Accordingly, it is directed that the petitioner be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the learned Trial Court.

11. It is directed that the amount of Rs.4,50,000/-, as detailed in Annexure P-7 and P-8, and the additional sum of Rs.1,00,000/- stated to be brought today by mother of the petitioner in cash, totalling Rs.5,50,000/- be deposited with the Registrar General of this Court within three days without prejudice to his rights and contentions.

12. On deposit, the Registrar General shall keep the said amount in the form of FDR with UCO Bank, Delhi High Court Branch, New Delhi initially for a period of one year to be renewed periodically.

13. I hereby make it clear that if the petitioner fails to deposit the above mentioned amount, the State is at liberty to move application for recalling of this order.

14. In view of the above, the instant petition is allowed.

15. A copy of this order be given *dasti* to the learned counsel for the parties under the signature of the Court Master.

SURESH KAIT
(JUDGE)

AUGUST 07, 2015
sb