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

Judgment delivered on: 7th August, 2015

+ **BAIL APPL. No. 1502/2015**

TEJ PAL GUPTA

..... Petitioner

Represented by: Mr.Nittin Mittal, Advocate
with Mrs.Veena Mittal, wife
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. This is the second petition filed by the petitioner under Section 439 read with Section 438 of the Code of Criminal Procedure, 1973, for granting 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. Learned counsel appearing on behalf of the petitioner submits that there was no committee business and rather the petitioner alongwith his son Aman 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.

3. 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 and the petitioner has already remained in custody for more than four months, thus, he may be released on bail.

4. On the other hand, learned Additional Public Prosecutor appearing on behalf of the State submits that the petitioner is main accused in this case. During investigation, 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 Tejpal Gupta. All the committees being operated by the petitioner were illegal as he was not having any license for the same.

5. 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. Only one receipt of Rs.30,240/- dated 01.07.2014 alleged to be signed by his son Aman Gupta, and rest all have been issued by the petitioner. Since the petitioner is the main culprits, who has cheated number of complainants, thus, the petitioner should not be released on bail.

6. At this juncture, it is apt to note that the petitioner had moved an application for bail before the learned Additional Sessions Judge, who taking note of the seriousness of allegations refused the same vide order dated 29.06.2015, which read as under:-

“ The accused has been specifically named by the victims. The accused along with his other family members absconded and did not join investigation. They were finally traced after electronic surveillance and they were apprehended from Karnataka thousands of kilometers away. The said facts gives rise to a reasonable apprehension that the applicant would not be available for trial in case released on bail. The offence committed is one of very serious in nature. Keeping in view nature and gravity of offence as well as apprehension that the accused may not be available for trial no ground is made out to admit the accused on bail.”

7. Thereafter, the petitioner moved Bail Application bearing No.1283/2015, which was dismissed by this Court vide order dated 07.07.2015.

8. Hence, the present petition.

9. Admittedly, the petitioner was arrested on 10.03.2015. As per the chargesheet, cheated amount involved is Rs.1,00,91,681/-. He is the main culprit, who has played a key role in the present case and has cheated a number of complainants. Moreover, there had been no change in the circumstances since his earlier plea for bail was refused. Since allegations against him are of serious nature, therefore, if he is released on bail, possibility of tempering with the evidence and influencing the witnesses

cannot be ruled out.

10. Considering the nature and seriousness of the offences, I am of the considered opinion that it is not a fit case to grant bail to the petitioner.

11. Accordingly, the petition is dismissed.

**SURESH KAIT
(JUDGE)**

AUGUST 07, 2015

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