

\$~18

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

+ **BAIL APPLN. 1613/2015**

HARDEEP BHATIA Petitioner

Through **Mr.H.S. Rai, Adv.**

versus

THE STATE (GOVT OF NCT DELHI) Respondent

Through **Ms. Alpana Pandey, APP for the State**
SI Ajay Kumar PS Khyala.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% 24.09.2015

The petitioner seeks pre-arrest bail in connection with FIR No.164/2015 (PS Khyala) dated 19.03.2015 instituted for offence under Section 420 IPC.

The allegation of the complainant is that she became friends with one Elizabeth and Joe Anderson on facebook. The aforesaid two persons who claimed themselves to be sister and brother told the complainant about some business proposals where she would get offers and prizes and would earn money.

It has been alleged in the First Information Report that it was difficult for her to resist such offers and, therefore, she contacted the petitioner, whom she knew from before, and sought his opinion whether she should invest in such business ventures.

It has been alleged that on the inducement of the petitioner, thereafter,

complainant became ready to invest in such business proposals. She alleges of being fobbed of her hard-earned money. The complainant deposited money in bank accounts of other persons at the instance of the accused. A suspicion has been raised by the complainant in the FIR that the petitioner is the master-mind behind the entire modus of swindling people like her.

It has been submitted on behalf of the petitioner that the allegations in the FIR are absolutely vague and no specific act of the petitioner which would draw the mischief of Section 420 of the Indian Penal Code has been alleged.

The allegations against the petitioner of master minding the attempt at swindling of funds of the complainant and other likeminded persons is also without any basis and any credible material.

The petitioner was granted interim protection by this Court during the pendency of the petition by order dated 11.08.2015. The petitioner went to the police station and participated in the investigation process.

Status report however reveals that though the petitioner joined the investigation but did not speak anything about either Elizabeth or Joe Anderson, who, according to the investigating agency, are known to the petitioner.

The status report further reveals that the because of this, his role in the entire episode has become suspicious and custodial interrogation would be required. No other positive reason has been assigned by the investigating agency for taking the petitioner in custody.

Considering the fact that the allegations in the FIR are absolutely vague and the complainant/informant was known to the petitioner before her being acquainted with the accused persons namely Elizabeth and Joe

Anderson, this Court is inclined to release the petitioner on anticipatory bail. In the event of arrest, the petitioner would be released on bail on his furnishing bond in the sum of Rs.25,000/- with two sureties of the like amount to the satisfaction of the arresting officer/SHO of the concerned police station.

The petitioner is directed to participate in the investigation process in right earnest. Any reluctance of the petitioner in participating in the investigation would entitle the SHO/IO of the concerned police station to seek cancellation of the bail granted to the petitioner.

Application is allowed and disposed of accordingly.

ASHUTOSH KUMAR, J

SEPTEMBER 24, 2015
ab