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

+ **BAIL APPLN. 2096/2015**

VIPIN @ MONU @ MANISH SHARMA Petitioner

Through: Mr.Sudhir Batra and Mr.Rohit
Khanna, Advocates.

versus

STATE (GOVT OF NCT OF DELHI) Respondent

Through: Mr.Raghvinder Varma, APP.
Complainant in person.
SI Surender Kumar, P.S.Karawal
Nagar.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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02.11.2015

The petitioner seeks bail in connection with FIR No.250/15 (P.S.Karawal Nagar) dated 03.04.2015 instituted for the offence under Section 420 with the aid of Section 34 of the Indian Penal Code. The complainant who is the treating physician of the mother of the petitioner has alleged that on the allurements of the mother of the petitioner for providing and facilitating admission of two students in a medical college, Rs.6 lakhs was paid to the mother of the petitioner.

The petitioner is also alleged to have masqueraded himself as one Manish Sharma who also lent assurance to the complainant that on payment of money, admission would be provided to two of the students whose names

were to be suggested by the complainant. No such admission could be provided to the students and money was also not being returned. Hence the first information report.

The mother of the petitioner on the other hand, while praying for anticipatory bail submitted that the complainant had unnecessarily divested her of her hard earned money and had given an assurance that her illness would be cured. Only because the complainant was confronted with non-cure of her disease for which she was promised a complete remedy, that this present false case has been foisted upon the mother and the son.

This stand of the mother of the petitioner is absolutely untenable.

Be that as it may, during the course of hearing of the anticipatory bail of the mother of the petitioner, an offer was made to the complainant of the payment of the entire amount of which he was fobbed off on the false assurance of providing admission to two of the students. It was promised by the mother of the petitioner that Rs.1 lakh would be paid in cash to the complainant on 02.11.2015 and another amount of Rs.1 lakh would be paid on 03.11.2016. The aforesaid offer of the mother of the petitioner was accepted by the complainant who was present in the Court when her anticipatory bail application was being argued.

Learned counsel for the petitioner has further submitted that the mother of the petitioner has assured that rest of the amount i.e Rs.4 lakhs would be paid to the complainant in four equal monthly instalments, the period for payment of money to begin from the month of December, 2015. Learned counsel for the petitioner further submits that the petitioner also, after coming out of jail would facilitate the payment of such money by garnering funds for her mother.

The petitioner has remained in custody for one and a half months.

Considering the fact that the mother of the petitioner as also the petitioner have agreed to pay the amount in question to the complainant, this Court is inclined to grant bail to the petitioner.

Let the petitioner be released on bail on his furnishing a bond in the sum of Rs.10,000/- with two sureties of like amount to the satisfaction of the trial Court.

In case the money is not paid to the complainant as has been assured by the mother of the petitioner, the trial Court shall take necessary steps for taking the petitioner into custody forthwith.

The petitioner, after coming out of jail, shall join investigation in right earnest and would visit police station as and when required by the Investigating Officer/SHO of the concerned police station.

With these observations, the petition is disposed of.

A copy of this order be communicated to the Superintendent of the concerned Jail for information and compliance.

Dasti.

ASHUTOSH KUMAR, J

NOVEMBER 02, 2015

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