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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 14.10.2015

BAIL APPLN. 2072/2015

MEHRAJ AHMAD

..... Petitioner

Through: Mr. Vijay Kinger, Advocate

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Mr. M.S. Oberoi, APP for with SI
Amit Verma, PS- Gokulpuri, Delhi
Mr. R.S. Rana, Advocate for the
Complainant

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

CRL.M.A.14406/2015 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

BAIL APPLN.2072/2015

1. The present is an application under section 438 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Code') seeking pre-arrest bail in FIR No.265/2015, under sections 420/406/34 IPC, registered at Police Station- Gokulpuri, Delhi.

2. In the present case, it is pertinent to point out that both the applicant as well as the co-accused are absconding in spite of repeated notices having been served for their appearance before the IO in the subject FIR.

3. Mr. Kinger, learned counsel appearing on behalf of the applicant states that the subject FIR is a consequence of a property transaction which has already been honoured by the applicant. Mr. Kinger would then urge that the subject FIR has been registered at the behest of the daughter of the lady with whom he entered into the property transaction so as to coerce him.

4. According to the prosecution, the applicant approached the widowed mother of the complainant for the purchase of her house situated in Gali No.3, Wazirabad, Sangam Vihar, Delhi along with the co-accused Mustqim. The sale of the house belonging to the complainant's mother was concluded on the admitted sale consideration of Rs.14,00,000/-. Upon receipt of the entire consideration, the Conveyance Deed was executed by the mother of the complainant in favour of the co-accused Mustqim and possession of the subject property was handed over to the latter. At that stage, sensing the vulnerability of the vendor and her daughter (complainant), the applicant along with his co-accused persuaded them to invest the entire proceeds of the sale consideration with the latter on an assurance that they would receive an interest quantified in the sum of Rs.1,00,000/- for every quarter. The

applicant along with his co-accused won over the confidence of the complainant and her mother and induced them to invest a further sum of Rs.8,50,000/-.

5. Inevitably, the hapless women alleged that they were taken for a merry ride and realized their mistake when the applicant and his co-accused kept persuading them to invest further sums with them without offering anything in return by way of interest.

6. In the present case, *prima facie* it appears that the applicant and his co-accused are confidence tricksters who play on unsuspecting victims like the complainant and her mother. Even otherwise, neither the applicant nor his co-accused Mustqim have made themselves available for questioning after the registration of the FIR despite repeated notices in this behalf being served upon them by the police. The investigation is at initial stage and grant of pre-arrest bail would cause severe prejudice to the investigation. Admittedly, there were transactions between the applicant and his co-accused on one hand and the complainant and her mother on the other and the latter were induced to part with large sums of money.

7. In my view, therefore, custodial interrogation is warranted in the present case, since it is more elicitation oriented than questioning an accused who is well ensconced with an order of pre-arrest bail.

8. In view of the forgoing, the present application is devoid of merit and is accordingly dismissed.

SIDDHARTH MRIDUL, J

OCTOBER 14, 2015

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