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

\+ BAIL APPLN. 2099/2015

KISHAN SINGH ..... Petitioner

Through: Mr.R.K.Bhardwaj, Advocate.

versus

STATE (GNCT OF DELHI) ..... Respondent

Through: Ms.Alpana Pandey, APP.
SI Sandeep Kumar, P.S.Ashok Vihar.

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

<u>O R D E R</u>

% 16.12.2015

The petitioner seeks bail in connection with FIR No.444/2015 (P.S.Ashok Vihar) instituted for the offences under Sections 420/406/467/468/471 and 120B of the IPC.

The aforesaid FIR has been registered on the basis of complaint of one Rajul Tyagi wherein it has been alleged that accused persons including one Akash Goel hatched a conspiracy and under the aforesaid conspiracy, obtained loan from Mahindra & Mahindra Financial Service Ltd on forged and fabricated documents. The vehicles which were purchased by the aforesaid conspirators were being sold off to third parties and the proceeds were appropriated. The aforesaid offence could be unearthed only when the EMIs were not being paid by some of the buyers.

Learned counsel for the petitioner submits that he has been shown as

Akash Goel, though, in fact he is Kishan Singh. It is further submitted that the petitioner is in custody since 29.08.2015 and the chargesheet in this case has already been submitted.

The case records reveal that the petitioner used fake identity of Akash Goel to obtain loan and with the money purchased a Maruti Swift VDI. The loan was for the amount of Rs.5,40,000/-. During the course of investigation, the petitioner is said to have admitted the fact that he obtained loan from Mahindra & Mahindra Financial Service Ltd on the basis of documents running in the name of Akash Goel. The investigating agency further got to learn that such documents, in all such purchases, were prepared by one Karamveer Singh @ Nittu.

Karamveer Singh has not yet been apprehended.

Learned counsel for the petitioner submits that no useful purpose will be served in keeping him in continued incarceration when chargesheet against him has already submitted.

It is further argued that without the complicity of the employees of Mahindra & Mahindra Financial Service Ltd and the showroom from where vehicles are purchased, such offences could not have been committed.

One of the conspirators namely Lalit Kumar who also obtained loan from Mahindra & Mahindra Financial Service Ltd on fake identity papers has been released on bail by the Court below.

Mihir, one of the employees of Mahindra & Mahindra Financial Service Ltd showroom who is stated to be one of the conspirators of the case has also been released on bail by the Court below.

Considering the nature of accusation and the fact that chargesheet has been submitted, the petitioner is directed to be released on bail on his furnishing bond in the sum of Rs.10,000/- with two sureties of like amount to the satisfaction of the Trial Court subject to the condition that he shall participate in the trial in all earnestness and would not evade the process of law. Should he be evading the process of law, it would be open for the Trial Court to issue coercive processes for his appearance before the Court and get his bail cancelled.

The application is disposed of with the aforesaid directions.

Dasti.

ASHUTOSH KUMAR, J

DECEMBER 16, 2015

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