

\$~7 of 14.04.2016

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

+ **BAIL APPLN. 37/2015**

C B JOSHI

..... Petitioner

Through: Mr K.K.Manan, Sr. Advocate with
Mr Sandeep Rana, Mr Nihit Dalmia,
Mr Abhishek Bhagat and Mr Puneet
Singh Dhir, Advocates.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Ms Radhika Kolluru, APP with SI Ajay
Singh, PS- Darya Ganj.
Mr Mukul Talwar, Sr. Advocate with
Mr Sunil Kumar, Mr Ankit Dixit and
Mr Nitin Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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18.04.2016

The present is an application under Section 438 of the Code of Criminal Procedure, 1973 (Cr.P.C.) seeking pre-arrest bail in FIR No.259/2014, under Sections 420/471/468/34 IPC, registered at Police Station- Darya Ganj, Delhi.

The applicant is a 78-year-old retired government servant. The complainant in the subject FIR and the applicant are brothers. A nephew of the applicant, namely, Somnath Joshi, who was also purportedly a party to the disputed general power of attorney, the forgery of which is the allegation in the subject FIR, is reportedly missing. The subject general power of attorney is stated to have been executed in the year 1987 and it is an admitted position that based on that document, the land which hitherto belonged to the parties aforementioned has been sold to Bajir Chand, Brij Bhushan and Ravi Dutt, sons of Kishan Chand, the attorney appointed under the disputed general power of

attorney.

It is also an admitted position that the sale deed qua the subject land was registered as far back as in 1987. It is further an admitted position that the applicant has joined investigation and provided his specimen signatures as directed by the IO in the subject FIR.

This court is loath to countenance pre-conviction detention. This view is supported by the decision of the Hon'ble Supreme Court in *Siddharam Satlingappa Mahetre v. State of Maharashtra and ors.*, (2011) 1 SCC 694.

In view of the foregoing, the present application is allowed. In the event of his arrest, the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the Arresting Officer/Station House Incharge subject to the condition that the applicant shall not try and influence witnesses or tamper with the evidence in the subject FIR..

The application is disposed of accordingly.

Dasti.

SIDDHARTH MRIDUL, J

APRIL 18, 2016

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