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

+ **BAIL APPLN. 121/2016**

SHAILENDER SHARMA

..... Petitioner

Represented by: Mohd. Amanullah, Adv.

versus

THE STATE

..... Respondent

Represented by: Mr. Ashok Kumar Garg, APP
with SI Vijay Kumar PS Farsh
Bazar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

02.12.2016

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By this petition the petitioner seeks anticipatory bail in case FIR No. 992/2015 under Sections 420/468/471 IPC registered at PS Farsh Bazar.

In the FIR the complainant who is a tenant of the petitioner alleged that she had issued a cheque bearing No. 778253 to the petitioner on 25th August, 2015 for a sum of ₹1300/- for the rent due for August 2015. Later Shailender Sharma claimed that the cheque was lost. Thus she issued another cheque bearing No.778254 to the petitioner for the rent for the months of August/ September/ October 2015 for a sum of ₹3900/-. In November 2015 when she went to update her passbook she came to know that her account had been debited for ₹93900/- on 10th November, 2015 on presentation of cheque No.778254 which she had issued for a sum of

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₹3900/-. On enquiry she was informed that the petitioner came with two cheques, however since payment towards cheque No.778253 had been stopped, the same was not accepted but payment towards cheque No.778254 was cleared.

Learned counsel for the petitioner submits that the money which was deposited in the account by way of a cheque was return of the advance given by the petitioner to the complainant. In order to see that the balance payment is not made the complainant lodged the above-noted FIR. To ascertain whether the figure of '9' in numerical and words has been added by the petitioner or the complainant, the document has been sent to the hand-writing expert. Report of the expert has not been received.

Be that as it may, the petitioner has already joined the investigation. The proof of the allegations are either oral by the complainant or documentary or the statements of the bank official. To show his bona-fides the petitioner has already deposited a sum of ₹93,000/- with the Registrar General of this Court which is kept in a fixed deposit. Considering the fact that no custodial interrogation of the petitioner is required, this Court deems it fit to grant anticipatory bail to the petitioner. It is therefore directed that in the event of arrest the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount subject to the satisfaction of the Arresting Officer/ SHO concerned, further subject to the condition that he will join the investigation as and when directed and will not leave the country without the prior permission of the Court concerned.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

DECEMBER 02, 2016
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