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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of hearing and order: August 3, 2016

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**BAIL APPLN. 676/2016
PRASANJIT BERA**

..... Petitioner

Through: Mr. Anil Sharma, Ms. Deepa Sharma,
Mr. Jaskaran Singh, Advocates

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Amit Chadha, Additional Public
Prosecutor for the State
Mr. Rajiv Sharma and Ms. Monica
Nagi, Advocate for respondent No. 2

CORAM:

HON'BLE MR. JUSTICE P.S. TEJI
ORDER

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03.08.2016

P.S. Teji, J. (Oral)

1. By this petition filed under Section 438 read with Section 482 of Cr. P.C., the petitioner is seeking anticipatory bail in a case registered vide FIR No.905/2015 under Section 420/506/406/34 of IPC at Police Station Krishna Nagar, Delhi.

2. The present FIR has been registered on the complaint of Harish Chander Anand, who submitted in his complaint that the petitioner had a license to import-export gold. The petitioner fraudulently assured the complainant that he will give him gold at a low price and

consequently he received Rs.60 lacs in cash and gold ornaments for his family members from the complainant by giving false representations. Thereafter, when the complainant demanded his money and the gold ornaments back, the petitioner refused to return the same and started threatening the complainant.

3. Perusal of the order dated 21.04.2016 reveals that the petitioner was granted interim protection subject to his joining the investigation as and when required. It was also directed that the petitioner shall not leave the country without prior permission of the Court. Learned counsel for the petitioner submits that the petitioner has joined the investigation.

4. Mr. Amit Chadha, Additional Public Prosecutor for the State submitted that though the petitioner has joined the investigation but during investigation, it is found that the petitioner has cheated and induced and received the cash and jewellery from other persons also and four complaints indifferent police stations are pending. It is further submitted that the petitioner has submitted the mobile phone and CC TV recording in which the petitioner has been admitting to return cash and gold ornaments to the victim and the application for seeking permission for taking voice sample of the petitioner and complainant is pending before the concerned Metropolitan Magistrate. The petitioner is also not cooperating in the investigation and custodial investigation of the petitioner is required for interrogation in detail to find out whether he has kept the money in any account, locker or any such places. Moreover, the petitioner owns the passport and there is

every apprehension that he may flee away from the country. NBWs have already been issued against the petitioner and he is willfully absconding to avoid his arrest. In these circumstances, it is prayed that the petitioner be not granted anticipatory bail in this case.

5. I have heard the submissions of both the sides and in the facts and circumstances of the case, this Court observes that the petitioner has already joined the investigation and the State has made only averments regarding the involvement of the petitioner in the present case, however no documentary evidence has been placed on record so far. In such a situation, considering the fact that the petitioner has already joined the investigation, this Court is inclined to grant anticipatory bail to the petitioner – Prasanjit Bera, subject to his joining the investigation as and when directed by the Investigating Officer by notice in writing.

6. In view of the facts of this case, it is hereby ordered that in the event of arrest, the petitioner – Prasanjit Bera be released on bail subject to furnishing of personal bail bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the arresting officer.

7. The petitioner is directed to join the investigation as and when required by notice in writing and to cooperate in the investigation of the present case. He is further directed not to leave the country without prior permission of the concerned Court.

8. Before parting with the order, this Court would like to place it

on record by way of abundant caution that whatever has been stated hereinabove in this order has been so said only for the purpose of disposing of the prayer for bail made by the petitioner. Nothing contained in this order shall be construed as expression of a final opinion on any of the issues of fact or law arising for decision in the case which shall naturally have to be done by the Trial Court seized of the trial.

9. With aforesaid directions, the present petition stands disposed of.

10. Dasti.

AUGUST 03, 2016
pkb

P.S.TEJI, J

