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

+ **BAIL APPLN. 1331/2016**

LALESH KUMAR

..... Petitioner

Through: Mr. Y.S.Chauhan, Advocate

versus

THE STATE

..... Respondent

Through: Complainant in person.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

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15.07.2016

The petitioner Lalesh Kumar who is in judicial custody since 04.06.2016 in relation to case FIR No. 457/11 under Sections 420/467/468/471/506/34 IPC registered at Police Station Uttam Nagar, on the complaint of Mukesh Kumar, has moved the present application under Section 439 Cr.P.C.

Learned counsel for the petitioner submits that the petitioner had transferred the property in question to the complainant for valuable consideration. The FIR was lodged on the premise that the real owner had initiated a complaint against the complainant in the present case alleging trespass. The complainant, in the present case, was put in possession of the property and continues to be in possession even till date. The accused had

similarly purchased the property in question and there had been several earlier transactions in relation to the same. It is pointed out that the complainant had entered into a settlement with the petitioner by accepting Rs. 4.5 lakhs and stating that his complaint be closed.

On the last date, this Court had directed that the complainant may be produced by the IO. Accordingly, the complainant is present in court. The complainant states that he did enter into a mutual settlement where under he received a sum of Rs. 4.5 lakhs through cheques from the accused and he also stated that the complainant shall not file any case, inter alia, against the applicant regarding the property in question.

Learned APP points out that in the chain of documents claimed to have been executed in relation to the plot in question, the documents in favour of Master Ram Prakash, Umed Singh, Rajo Devi and Virender appear to be forged and fabricated inasmuch, as, either these persons are found to be fictitious or it is reported that they never acquired the plot in question. It is pointed out that apart from the applicant, Manoj Kumar, Sanjeev Yadav and Shyam Sunder appear to have fabricated the chain of documents.

It is seen that Manoj Kumar has been granted anticipatory bail on 10.09.2013 vide Bail Application No. 1848/2012.

So far as the applicant is concerned, he has been in judicial custody since 04.06.2016. The signatures etc. of the applicant have already been taken by the IO. Therefore, no useful purpose would be served in retaining him in judicial custody.

Accordingly, the bail application is allowed. The petitioner is directed to be released on bail upon his furnishing a personal bond with one surety in the sum of Rs. 20,000/- to the satisfaction of the Jail

Superintendent. He shall not contact any of the prosecution witnesses or tamper with the evidence.

The bail application stands disposed of.

VIPIN SANGHI, J

JULY 15, 2016

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