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

+ **BAIL APPLN. 1403/2016 and CRL.M.A. 10582/2016**

AJAY KUMAR @ AJAY KUMAR YADAV

..... Petitioner

Through: Mr. M.K. Vashisht, Advocate.

versus

STATE (N.C.T OF DELHI)

..... Respondent

Through: Mr. Rajat Katyal, APP along with SI
Jitender Joshi, PS – Aman Vihar, for
the State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
20.07.2016

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Issue notice. Mr. Katyal accepts notice. He has tendered in Court the status report, which is taken on record.

The petitioner has preferred the present application under Section 438 Cr.P.C. to seek anticipatory bail apprehending arrest in FIR No.659/2016 registered at Police Station – Aman Vihar under Section 420 IPC.

The case of the complainant is that the applicant/ accused sold his property to the complainant in the year 2013 for valuable consideration. However, one Amar Nath is staking claim on the said property on the ground that he had purchased the property from the accused in the year 2011

itself.

The submission of learned counsel for the petitioner is that the petitioner had only taken a loan and had not executed the sale deed in respect of the property in question in favour of the complainant. He submits that the applicant had repaid the loan to the complainant.

I may notice that there is nothing to show in support of the aforesaid submission of the applicant. The status report tendered in Court by the learned APP shows that on 18.07.2014 plot measuring 67 square yards out of Khasra No. 1101 & 1121, Kirari Suleman Nagar, Delhi known as Prem Nagar-II, Delhi had been purchased by the complainant for a sale consideration of Rs.20 Lakhs. The chain of original documents was handed over to him by the applicant Ajay Kumar Yadav. When he started raising construction over the plot, he was stopped by Ajay Kumar Yadav and his wife. The preliminary inquiry conducted by the police shows that the applicant may have sold the same land twice over. The police has also recorded the statement of the witnesses to the sale transaction set up by the complainant, who had supported the complaint.

In these circumstances, the Sessions Court was correct in arriving at a conclusion that the custodial interrogation of the applicant is necessary for the purpose of verification of signatures of the applicant and unearth the other documents and the entire fraud.

The application is, accordingly, dismissed.

VIPIN SANGHI, J

JULY 20, 2016

B.S. Rohella