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

+ **BAIL APPLN. 1478/2016**

RAKESH ANAND & ANR

..... Petitioners

Represented by: **Mr. Dewat Singh and Mr. Amit Singh, Advs.**

versus

STATE (GOVT OF NCT)

..... Respondent

Represented by: **Mr. Ravi Nayak, APP for the State with SI Giri Raj and ASI Om Prakash, PS DBG Road. Mr. Raju Vijay, Adv. for complainant.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

04.10.2016

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1. By the present petition, the petitioners who are husband and wife seek anticipatory bail in case FIR No.169/2016 under Sections 406/420/120B/34 IPC registered at PS DBG Road.
2. Learned counsel for the petitioner has taken me through the order dated 18th April, 2016 passed by learned Metropolitan Magistrate directing registration of FIR. The allegations in the complaint were that one Shankar Lal who was owner of a portion admeasuring 65 sq.yds. on the ground floor of the property bearing No.10651-10652/XVI, Manak Pura, Karol Bagh, Delhi sold the same to petitioner No. 2 Smt. Sunita Anand, who was a close relative vide sale deed dated 23rd July, 2003. Thereafter the petitioners took a loan from Cent Bank Home Finance Ltd. after depositing the sale deed of the said property thereby creating an equitable mortgage in respect thereof.

However, Shankar Lal 2who did not disclose that property has already been sold had resold one shop to Smt. Manbhari Devi on 30th June, 2009 and sold one more shop to Shri Rakesh on 22nd October, 2007 who in turn sold it to Ram Babu complainant No.2 on 7th October, 2009. Similarly, Shankar Lal sold one more shop in the property to Smt. Pushpa Devi on 9th December, 2009 who in turn sold the same to Ram Babu on 25th March, 2011. Further Shankar Lal also sold one room behind the three shops to Smt. Shanti Devi, complainant No.3 on 25th May, 2005.

3. Considering the allegations against Shankar Lal, learned Metropolitan Magistrate directed registration of FIR against Shankar Lal. Be that as it may, once FIR is registered, the police is duty bound to investigate and find out all the accused who are involved therein and take action in accordance with law. However, in view of the allegations noted above, prima facie the entire allegations are against Shankar Lal.

4. Considering the facts and circumstances of the case, I deem it fit to grant anticipatory bail to the petitioners. It is thus, directed that in the event of arrest, the petitioners be released on bail on their furnishing a personal bond in the sum of ₹25000/- each with one surety of the like amount each to the satisfaction of the Arresting Officer/SHO concerned and further subject to the petitioners join the investigation as and when directed by the investigating officer and will not leave the country without prior permission of the learned Trial Court.

5. Petition is disposed of.

6. Order dasti.

MUKTA GUPTA, J.

OCTOBER 04, 2016/‘v mittal’