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

\+ BAIL APPLN. 2144/2015

O P ARORA ..... Petitioner

Through: Mr.Rakesh Kumar Khanna, Sr. Adv. with Mr.Rajbir Bansal, Ms.Shefali Jain & Mr.Anirudh Tanwar, Advs.

versus

THE GOVT OF NCT OF DELHI & ANR ..... Respondents

Through: Ms.Alpana Pandey, APP for the State with SI Raj Pal PS Tilak Nagar

CORAM:
HON'BLE MS. JUSTICE PRATIBHA RANI

O R D E R

% **16.03.2016**

1. By way of this application, the petitioner is seeking anticipatory bail in case FIR No.1282/2015 registered under Sections 420/468/471/34 IPC at PS Tilak Nagar.

2. The prayer for release on anticipatory bail made by the petitioner has been rejected by the learned ASJ on 28th September, 2015 noting that ₹ 20 lakhs has been received by the applicant and he had due knowledge of the entire transaction. It has also been noted in the said order that the investigation is at the initial stage and main accused Sudhir Arora has not been arrested by that time.

3. The petitioner is seeking anticipatory bail by mainly relying upon the legal notice dated 24th July, 2015 sent by the complainant. In the application

the petitioner has quoted various paragraphs from the said legal notice to bring on record that even as per the complainant the entire payment of ₹1,47,00,000/- (Rupees One Crore Forty Seven Lacs Only) has been made to Sudhir Arora. Learned counsel for the petitioner has drawn the attention of this Court to the photocopy of the document wherein his signature allegedly appeared under the head 'witness'. The photocopy of that document is to the following effect:-

> *"Received part payment ₹20,00000/- (Twenty Lakhs only) Shri O.P.Arora S/o Sh. M.C.Arora R/o A-43, Manak Vihar, New Delhi from Shri Rajinder Kumar Arora S/o Sri Karam Chand R/o J-15C, Ganga Ram Vatlka, Tilak Nagar, Delhi*
>
> *Witness*
>
> *Sd/-*
> *O.P.Arora*
>
> *Sd/-*
> *Pinto*
>
> Revenue Stamp
>
> Sd/-
> Sudhir Arora
> 6.8.2012
>
> "

4. Learned counsel for the petitioner has also drawn the attention of this Court that revenue stamp regarding receipt of ₹ 20 lakhs has been signed by Sudhir Arora who has already been arrested and presently in judicial custody. It has been further submitted that original of the document which allegedly bears the signature of the petitioner has not been handed over to the investigating agency.

5. Learned APP for the State after some discussion with the learned counsel for the complainant informs that the original of this receipt of ₹ 20 lakhs was given to Sh. O.P.Arora alongwith the cash amount.

6. Perusal of the record shows that this fact does not find mention anywhere i.e. in the legal notice or in the FIR.

7. Lest it may not prejudice the case of either parties, as to whether original receipt alongwith cash of ₹20 lakhs was given to Sh.O.P.Arora, being subject matter of investigation, no opinion is expressed in this regard.

8. Taking into consideration that in paragraph 19 of the legal notice sent by Sh.K.C.Maini, Advocate on behalf of Sh.Rajinder Kumar Arora (complainant), it has been specifically mentioned that his client (complainant) has paid total amount of ₹ 1,47,00,000/- (Rupees One Crore Forty Seven Lacs Only) in all to Sudhir Arora as per details given therein, it is directed that in the event of his arrest he shall be released on bail on his furnishing personal bond in the sum of ₹ 1 lakh with one surety of the like amount to the satisfaction of concerned IO/SHO.

9. Petitioner is directed to join the investigation as and when required by the Investigating Officer.

10. The observations made above are only for the purpose of deciding the bail application and shall not be considered as an expression on merits.

As prayed, copy of the order be given dasti to learned counsel for the parties.

PRATIBHA RANI, J.

MARCH 16, 2016
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