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

+ **BAIL APPLN. 2792/2015**

KAMIRUDDIN

..... Petitioner

Represented by: Mr. Anil Sharma, Mr. Arun
Baali and Mr. Jaskaran Singh,
Advs.

Versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Represented by: Mr. Arun Kr. Sharma, APP for
State with SI Amit Verma, PS-
Gokal Puri.
Mr. Gaurav Goel, Adv. for
complainant.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

ORDER

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04.03.2016

1. By way of the present petition, filed under Section 438 Cr.P.C. petitioner seeks directions thereby directing the Investigating Officer that in the event of arrest in case bearing FIR No.879/2015, registered at Police Station Gokulpuri, Delhi, for the offences punishable under Sections 420/468/470/471 IPC, he may be admitted on bail.
2. Ld. Counsel appearing on behalf of the petitioner submits that as per the complainant he paid an amount of Rs.41,00,000/- to the petitioner, who agreed to repay the same within 4-5 days. The said transaction as alleged was in cash.

3. Ld. Counsel further submits that the petitioner never received any amount from the complainant nor any document in respect of any property was executed in his favour. Thus, the petitioner has been falsely implicated in this case and may be granted anticipatory bail.

4. The allegations against the petitioner are that in the month of January, 2015, the petitioner approached the complainant and requested for an amount of Rs.45,00,000/- as his two nieces were getting married in March, 2015. The petitioner told the complainant that he was trying to sell some of the property to arrange money which will be sold very soon. The complainant showed his inability to pay such huge amount. Next day, the petitioner alongwith Sabir and Munni again approached the complainant. The said two persons assured the complainant that petitioner will return the amount within four-five days after the marriage. On receiving the said amount, the petitioner handed over original papers of the property to the complainant to secure the amount and assured him that if the petitioner would not be able to repay the amount, the said property will be transferred in his name.

5. The complainant believed the story of the petitioner and accordingly, borrowed the amount from his near and dear and arranged the total amount as sought, so that marriage of nieces of the petitioner could be arranged.

6. Pursuant to order dated 05.01.2016, the State has filed the status report, whereby sought custodial interrogation of the petitioner on the following grounds:-

- (i). The FIR has been got registered on 27.10.2015 and is in primary phase of investigation.
- (ii). Custodial interrogation of accused is required with regard to forged documents.
- (iii). The forged stamps of notary public are to be recovered from the possession of accused.
- (iv). The co-accused are still at large who promised the complainant regarding the genuineness of the agreement.
- (v). The property which was mortgaged by the accused doesn't even exist in actual.
- (vi). The witness of the agreement has been examined who supported the version of the complainant.
- (vii). The sole independent witness of the case is being regularly threatened to give false evidence before the police and court.
- (viii). The anticipatory bail of the accused has been dismissed by the learned Additional Sessions Judge, Karkardooma Courts, Delhi, on 04.12.2015.
- (ix). The source of the money has been clarified by the complainant as according to him he had arranged the amount from his relatives.
- (x). The grant of anticipatory bail at this stage will seriously hamper the proper investigation of the case.

7. Keeping in view the allegations against the petitioner, I am of the considered opinion that his custodial interrogation is required. Accordingly, the present petition is dismissed.

SURESH KAIT, J.

MARCH 04, 2016

Jg/sb

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