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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 442/2016

ASHOK KUMAR

..... Petitioner

Through: Mr. Pawan Madan, Advocate

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Ms. Neelam Sharma, APP for State
SI Sahil Kumar, PS Narela

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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06.02.2017

Learned counsel for the petitioner submits that FIR No. 388/2013 under Sections 420/120B IPC has been registered pursuant to the directions of the learned Metropolitan Magistrate, Delhi under Section 156 (3) Cr.P.C. Complainant was well aware about the pendency of a civil dispute in respect of the property. However, no FIR was lodged for eight years.

The application under Section 156 (3) Cr PC was filed belatedly only to harass the petitioner. Petitioner has cooperated in the investigation. His specimen signatures and thumb impression have already been taken. The plaintiff is not required for any further investigation. He may be granted anticipatory bail.

Learned APP for the State submits that the petitioner and co-accused Suresh Devi had sold the property in question to complainant on 3rd December, 2004.

Pendency of civil litigation was not disclosed. Petitioner and

co-accused Suresh Devi settled the civil suit and handed over the possession to one Bala Devi on 25th July, 2012, despite the fact that they were divested of their title, having sold the same to the complainant. However, it is admitted that petitioner has cooperated in investigation and his specimen signatures and thumb impressions have already been taken.

In the above facts, it is ordered that in case of arrest, petitioner be released on bail, subject to his furnishing a personal bond in the sum of Rs. 35,000/- with one surety in the like amount, to the satisfaction of the Arresting Officer/Investigating Officer/SHO of the concerned Police Station.

Dasti.

A.K. PATHAK, J

FEBRUARY 06, 2017/P