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

+ **BAIL APPLN. 517/2017**

KAJAL MISHRA & ANR.

..... Petitioners

Through: Mr. Manoj K. Mishra & Mr. Sandeep
Kumar Dwivedi, Advocates.

versus

STATE

..... Respondent

Through: Ms. Radhika Kolluru, APP along with
SI Yogesh, PS-Shakarpur, for the
State.

Mr. Hemant Kumar & Mr. Sahil
Dabla, Advocate for the complainant.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

23.03.2017

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Crl. M.A. Nos. 4912-4913/2017

Exemptions allowed, subject to all just exceptions.

The applications stand disposed of.

BAIL APPLN. 517/2017

Issue notice. Ms. Kolluru accepts notice. She has argued the matter
on the basis of record in the presence of the IO.

The petitioners seek anticipatory bail in case FIR No.49/2017 under

Sections 468/ 471 IPC registered at PS – Shakarpur.

The submission of learned counsel for the petitioners is that the petitioners were inducted as tenants in the property by the son of the complainant. Under the agreement, the petitioners had paid Rs.15 Lakhs to the son of the complainant, and after a period of ten years, the said amount was returnable by the son against return of the property. Learned counsel submits that the said agreement has been disputed by the complainant. He submits that the said dispute is purely a civil dispute and a civil suit has already been preferred by the petitioners, which is pending disposal. He submits that the petitioners are ready & willing to join the investigation.

Ms. Kolluru submits that the investigation done thus far clearly brings out the forgery and fabrication of the documents by the petitioners. In this regard, she submits that the petitioners have relied upon a photocopy of the agreement deed dated 28.02.2008 prepared on a stamp paper bearing No. K884824 issued at Delhi. She submits that the investigation has revealed that the said stamp paper was printed only on 06.04.2010, i.e. over two years after the date which the said agreement deed bears.

She further points out that, prima-facie, the receipts relied upon by the petitioners are also forged and fabricated. The petitioners have sought to place reliance on four receipts dated 12.05.2008, 11.08.2008, 09.09.2013 & 10.01.2016, allegedly issued by Anoop Singh, the deceased son of the complainant. She points out that, prima-facie, the type font and letter spacing in the said receipts – particularly in respect of the words “ANOOP SINGH” is markedly similar, which improbabilises the factum of execution of the receipts, since they span over seven years.

In view of the aforesaid circumstances, in my view, the custodial

interrogation of the petitioners is necessary in the facts of this case.

Dismissed.

Order dasti to the parties.

VIPIN SANGHI, J

MARCH 23, 2017

B.S. Rohella