$~3

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

\+ BAIL APPLN. 2299/2014

AMIT NAGPAL ..... Petitioner

Through: Mr. Rajesh Anand, Advocate with Mr.Aman Gaur, Advocate with Mr. Avilal Mittal, Advocate.

versus

STATE (NCT OF DELHI) ..... Respondent

Through: Ms. Aasha Tiwari, APP for the State with Insp. Umesh Sharma, EOW, Delhi.
Mr. Anshul Mittal, Advocate with Mr. Gautam Chaubey, Advocate for the complainant of other FIR No.17/2014

CORAM:
HON'BLE MR. JUSTICE VINOD GOEL

<u>O R D E R</u>

% 22.09.2017

1. Apprehending his arrest, the petitioner has moved this Court under Section 438 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.') to grant him anticipatory bail in the case registered against him vide FIR No.109/2012 dated 28.08.2012 under Sections 419/420/467/468/471/120B of IPC, Police Station Economic Offences Wing, New Delhi, on the complaint of one Smt. Sukhiya Devi.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. He submits that the petitioner is an innocent person and his custodial interrogation is not required. He submits that pursuant to the directions of this Court, the petitioner has deposited Rs.15 lacs with the Registry of this Court on 17.10.2014. He further submits that the alleged amount of loan of Rs.15 lacs has further been deposited by the

petitioner with the Syndicate Bank on 20.06.2017. He submits that even the amount of Rs.35 lacs which his father had taken as loan against the property bearing No.B-66 Derawal Nagar, Delhi-9 (not being the property in question and part of FIR in question) has been repaid by him to the Syndicate Bank. The copy of the receipts are supplied to the learned APP.

3. Learned APP submits that the charge sheet has been filed against co-accused Mohan Lal, who had impersonated himself as Nand Kishore Sharma while preparing the forged documents of the property which had been sold to the complainant Smt. Sukhiya Devi by the father of the petitioner in the year 2006.

4. As per the allegations, Smt. Sukhiya Devi, who is the complainant, had purchased the property bearing No.51A, Khasra No.8, Old Lal Dora of village Dhirpur, Delhi from the father of the petitioner namely late Sh. K.L. Nagpal. Subsequent to the registration of the sale deed in favour of Smt. Sukhiya Devi, the petitioner in collusion with the co-accused Mohan Lal forged a sale deed of the property in question and managed to obtain a loan of Rs.15 lacs from the Syndicate Bank, Pahari Dhiraj, Branch Delhi. It had also come in investigation that the father of the petitioner late Sh. K.L. Nagpal, who was the proprietor of M/s NUCHEM Plast, had managed to obtain a loan of Rs.35 lacs from the Syndicate Bank against the property No.B-66 Derawal Nagar, Delhi and one Manoj Jain and the petitioner stood guarantors.

5. During investigation, interim protection was granted to the petitioner by this court on 17.10.2014 and the order reads as under:-

> "Issue notice.
> Mr. O.P. Saxena, Additional Public Prosecutor for the

> State, and Mr. Ajit Kr. Singh, Advocate for the complainant, enter appearance and accept notice.
>
> Counsel for the State prays for some time to file a status report in the matter. At the same time, counsel for the petitioner reiterates that the petitioner shall deposit a sum of Rs.15 lakhs with the Registrar General of this Court within two weeks from today. Let the same be done.
>
> List on 04.02.2015 for further consideration.
>
> No coercive steps shall be taken till the next date of hearing. The petitioner shall keep himself available for the purpose of further investigation that may be required by the Investigating Officer."

6. Learned APP through IO submits that the petitioner has joined investigation whenever he was called. The amount of loan of Rs.15 lacs obtained by the petitioner on the property of complainant Smt.Sukhiya Devi has been deposited with the Registry and the loan of Rs.35 lacs obtained by late father of petitioner on his guarantee against property (not being part of FIR in question) has been deposited by him. Hence, in the facts and circumstances of the case, in the event of his arrest, the petitioner be released on bail on his furnishing personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of IO/SHO/Arresting Officer/learned MM/CMM/Duty MM. This is subject to condition that the petitioner shall join and co-operate in the investigation. He shall not leave the country without permission of the Court. He shall not contact the complainant or her family members.

7. The bail application is disposed of accordingly.

8. Order *dasti.*

VINOD GOEL, J.

SEPTEMBER 22, 2017

"sandeep"