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

+ BAIL APPLN. 1972/2016

MOTI LAL SONI

..... Petitioner

Through : Mr. M. Sowri Dev, Advocate.

versus

STATE

..... Respondent

Through : Mr. Ashish Dutta, APP for State.
Mr. Pawan Kumar Mittal, Advocate
for complainant.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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12.05.2017

The petitioner seeks bail in anticipation of his arrest in connection of FIR No.1045/2015 dated 14.09.2015 (P.S.K.M.Pur) instituted for offences under Sections 420/406/467/468/471/380/454/506/451/120B IPC.

The petitioner was granted interim protection by an order dated 26.09.2016 in order to facilitate him in taking part in the investigation. The petitioner thereafter joined investigation and there is no complaint from the police of his not participating in the investigation of the case.

The complainant is said to have been persuaded by the petitioner for purchasing a flat owned by him. As a result, money was paid to the petitioner but it was later discerned that the property could not have been sold as it had been booked by the MCD for unauthorised construction.

Thus, the petitioner entered into an agreement with the complainant for returning the amount but it could not be returned for one reason or the other. Later, as security, the petitioner conveyed another property, which too was not saleable as on that date as it had already been sold to somebody else.

There is a dispute with respect to the amount which has been received by the petitioner and paid by the complainant.

The version of the petitioner is that he has received Rs.26 lakhs in all from the complainant/informant whereas the complainant claims to have paid to the petitioner Rs.36.5 lakhs. Out of the aforesaid amount, Rs.13 lakhs has already been paid by the petitioner to the complainant. It appears that the parties are not interested in settlement in so far as the amount in question is concerned.

In that view of the matter, the investigation of the case would be required to be carried out further.

However, considering the fact that the petitioner has participated in the investigation and has also made efforts for getting the matter settled and has paid Rs.13 lakhs towards the claimed sum, this Court is persuaded to confirm the anticipatory bail granted to him.

The petitioner shall be released on bail in the event of his arrest or surrender, on his furnishing a bond in the sum of Rs.10,000/- with one surety of the like amount, to the satisfaction of the Arresting Officer.

This does not take away the responsibility of the petitioner from attending the investigation as and when called for by the IO and any attempt to avoid the process of investigation on the part of the petitioner would be viewed seriously. In that case, it would be open for the IO to file an

application seeking cancellation of his bail.

The application is allowed and disposed of in terms of the above.

ASHUTOSH KUMAR, J

MAY 12, 2017

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