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

\+ BAIL APPLN. 1956/2016

UMESH KUMAR ..... Petitioner

Through: Mr. Jayant K. Sud, Sr. Adv. with Mr. Ranjan Kumar, Mr. Honey Khanna, Ms. Vaishali Soni and Mr. Yogender Dirvedi, Advs.

Versus

STATE ..... Respondent

Through: Ms. Meenakshi Dahiya, APP with SI Vivek Maindola, P.S. Dwarka Sec-23. Mr. Vimal Dubey, Adv. for Complainant.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

O R D E R

% 15.11.2017

Learned senior counsel for the petitioner submits that petitioner has been falsely implicated by the complainant. Petitioner had paid ₹20 lacs to the complainant out of which ₹15 lacs was transferred through RTGS; whereas ₹5 lacs was paid through a cheque. This amount was not refunded by the complainant. Petitioner approached DCP, South West, District, Dwarka where complainant compromised the matter with the petitioner and assured to return the amount. He undertook in writing before the DCP to pay this amount. He gave a compromise letter to the DCP on 2nd January, 2016. Petitioner has annexed copy of the said compromise letter at page 65 which has even been verified by the Investigating Officer. Complainant has admitted his signatures thereon. Petitioner also produced a copy of the letter received by the petitioner's wife in response to a RTI query. It is submitted that complainant backed out from his compromise and did not pay ₹20 lacs within 15 days, therefore, petitioner filed a suit in the civil court on 13th January, 2016 against complainant, which is pending. Application under Section 156(3) Cr.P.C has also been filed by the petitioner against the complainant before the Metropolitan Magistrate on 17th April, 2016 and the same is also pending. Complainant has lodged the present FIR as a counter blast on flimsy grounds. It is submitted that petitioner may be granted anticipatory bail.

Learned APP, who is assisted by the counsel for the complainant, has vehemently opposed the grant of anticipatory bail to the petitioner. It is submitted that complainant has specifically alleged in the FIR that in the month of May, 2015 petitioner told the complainant that a case of murder under Section 302/34 IPC was registered against the complainant at police station Chhawla vide FIR No. 232/2015. In the month of June, 2015, petitioner took ₹25 lacs from the complainant on the pretext that he will arrange a job for his daughter. In the month of November, 2015, petitioner told the complainant that complainant was wanted in FIR No. 722/2015 under Sections 376/323/506 IPC read with Section 16 of POCSO at police station Sector 23, Dwarka, Delhi and took ₹15 lacs from him on the pretext of court fee and for filing bail application.

It is further submitted that complainant got a loan of ₹26 lacs arranged for the petitioner from one Tarun Dabas and Shri Kishan in the year 2015. A sum of ₹11.40 lacs on 6th July, 2015 and ₹15 lacs on 9th October, 2015 were transferred in the account of complainant towards repayment of the said loan of Tarun Dabas. Complainant had not taken any money from the petitioner on the pretext of getting a job for petitioner's wife-Ranjana Chowdhary. Apart from present case, petitioner is also involved in three other criminal cases.

Petitioner has joined the investigation, which is still undergoing. Keeping in mind the totality of the facts and circumstances of the case, it is ordered that in case of arrest, petitioner be released on bail subject to his furnishing a personal bond in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial court.

Bail application is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

NOVEMBER 15, 2017
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