

\$~6

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 1182/2017 & Crl. M.A. Nos. 10050-10052/2017, Crl.
M.B. 1116/2017

SANDEEP KUMAR Petitioner
Through: Mr. Aditya Sharma, Adv.

versus
STATE (NCT OF DELHI) Respondent
Through: Mr. Ravi Nayak, APP with W/ASI Clara
Toppo, P.S. Malviya Nagar.
Mr. Prakash Kumar Singh, Adv. for the
complainant with complainant in person.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **23.11.2017**

Mr. Ravi Nayak, the learned APP for the State states that chargesheet has been filed. The Status Report dated 20.11.2017 filed by the concerned SHO states as under:

“....2. On 07/07/17, the accused joined the investigation. During the investigation, accused Sandeep admitted that the complainant was his business partner and she invested 7.63 lacs only on mutual understanding. But there is no documentary proof regarding business partnership deal and he also admitted that he had not return he said amount till date. The laptop and mobile phone of the accused were recovered and sent to FSL Rohini for analysis. He further disclosed that mobile phone make Samsung which he used in the year 2013 to 2015, unfortunately fell down and got badly damaged. Due to this, the said mobile phone could not be recovered. The accused also refuted the allegations, wherein the complainant alleged that the accused Sandeep had

molested her in March 2013 inside the car at Metro Station Malviya Nagar. Moreover, the complainant did not disclose the exact date and time of the incident. He further stated that no such incident ever happened between the complainant and him and he did not have any type of video recording of the complainant.

3. During the investigation, the ownership of the vehicle NO. UP-16-1920 was verified and it was found that the said car was registered with the name & title "Techsun India Pvt. Ltd. Plot No. 6 & 7, Phase-II, Noida (UP)". Moreover, the accused has also told that the said car has no connection with him.

4. After interrogation, accused Sandeep was got medically examined vide MLC No. 5845/17 at AIIMS, New Delhi and the exhibits were deposited in PS Malkhana. After that accused was formally arrested and released on court bail.

5. After completion the investigation, the charge-sheet in this case was prepared and sent to the concerned Court vide R/C No. 736/21/17 dated 09/11/17...."

The learned counsel for the State states upon instructions from the IO W/ASI Clara Toppo that pursuant to this Court's interim protection, the petitioner has joined the investigation and is participating in it. In the circumstances, his custodial interrogation is not deemed necessary by the police.

Nevertheless since there is an element of fraud, therefore, it would be appropriate to secure financial interests albeit partially. Accordingly, the petitioner is directed to deposit an amount of Rs. 3.50 lacs before the concerned District and Session Judge (South) before 23.12.2017. On the amount being deposited, the same shall be kept in an interest bearing FDR and be subject to such orders as the Trial Court may pass.

In the circumstances, the interim protection is confirmed, subject to the following conditions:-

- (i) the petitioner will regularly appear on each and every date of hearing to be fixed by the Court concerned;
- (ii) the petitioner will not try to influence, contact or meet the complainant and prosecution witnesses in any manner;
- (iii) the petitioner will furnish his mobile telephone number to the SHO concerned, which shall be kept operational at all times,;
- (iv) the petitioner will not leave the country without prior permission of the Court and the passport, if held by the petitioner, shall be deposited with the Trial Court concerned; and
- (iv) the petitioner will duly intimate his new address and contact number to the SHO/IO of the case (in case of change) under intimation to the Trial Court concerned.

Any observation made in this order shall have no bearing on the merits of the case.

The petition is disposed off.

NAJMI WAZIRI, J

NOVEMBER 23, 2017/kk