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

\+ BAIL APPLN. 1580/2017 & Crl. M.A. no. 13044/2017

SUNIL JADHAV ..... Petitioner

Through Mr. Manu Sharma, Mr. Lakshay Dhamija and Mr. Sahil Gupta, Advs.

versus

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

Through Mr. Amit Gupta, APP with SI Amit Dutt, P.S. Lajpat Nagar for the State
Mr. Tarun Goomber and Mr. Nitish Kumar Singh, Advs. for complainant

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

ORDER

% **17.08.2017**

Learned counsel for the petitioner submits that, as per the FIR, petitioner used to melt the gold jewellery given by the complainant to him and certify its purity. On the basis of such certification, gold used to be purchased by the co-accused Mahendra Patel of M/s. Akshardham Jewellers Pvt. Ltd. The allegations are that petitioner used to make the gold bars by melting the jewellery in such a way that impure gold formed the outer layer, whereas, the pure gold would be in the inner portion of the gold bar. On the basis of such certification made by the petitioner, M/s. Akshardham Jewellers Pvt. Ltd. purchased gold for a lesser rate than its actual value, thereby resulting in financial loss to the complainant. It is submitted that petitioner did not receive any payment from the complainant nor did he receive any money from the co-accused.

Learned APP, who is assisted by the learned counsel for the complainant, submits that petitioner, by such certification, has caused financial losses to the petitioner and undue financial gain to the co-accused, being in conspiracy with him, inasmuch as, had received cut from the cheated amount. Petitioner has purchased the property bearing No. M-15, Kasturba Niketan Complex, Lajpat Nagar – II, New Delhi – 110024 from the cheated amount.

Learned counsel for the petitioner has next contended that complainant has already settled the matter with the co-accused. It is further submitted that no material has been collected by the Investigating Officer during the investigation, to support the contention that petitioner had received any amount from the co-accused. It is further submitted that the property, which, as per the Investigating Officer was purchased in the year 2016, was in fact purchased in the year 2009. Photocopies of the documents pertaining to sale transactions in favour of the petitioner in respect of the aforesaid property have been placed on record. It is further submitted that copies of these documents will be provided to the Investigating Officer. In the year 2016, petitioner had simply transferred the property in the name of his wife. Petitioner has already cooperated in the investigation and has appeared before the Investigating Officer on five occasions.

Keeping in mind totality of the facts and circumstances as detailed above, it is ordered that in case of arrest, petitioner be released on anticipatory bail, subject to his furnishing a personal bond in the sum of ₹50,000/-(Rupees Fifty Thousand Only) with one surety of the like amount to the satisfaction of the Investigating Officer/Arresting Officer/SHO concerned.

Bail application is disposed of in the above terms. Miscellaneous application is disposed of as infructuous. Dasti.

A.K. PATHAK, J.

AUGUST 17, 2017
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