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

\+ BAIL APPLN. 1602/2017

SATISH CHAUDHARY ..... Petitioner

Represented by: Dr. J.P. Dhanda, Mr. C.K. Sharma, Mr. N.A. Usmani, Ms. Komal Narula, Mr. Gopi Chand and Mr. Tarun Kumar, Advocates.

versus

STATE OF NCT OF DELHI ..... Respondent

Represented by: Mr. Hirein Sharma, APP for the State with SI Shiv Dev, PS EOW.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

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

% **23.11.2017**

1. By this petition the petitioner seeks anticipatory bail in case FIR No. 174/2008 under Sections 420/468/471/120B IPC registered at PS Economic Offence Wing.

2. Learned counsel for the petitioner submits that at best the allegations against the petitioner is of misappropriation of ₹1 crores as the balance amount has admittedly been deposited before the DRT. Further the evidence in the case is all documentary in nature which cannot be tampered with by the petitioner. The petitioner would appear before the Court and any strict condition which this Court may deem fit may be imposed for his appearance. The petitioner is entitled to bail in terms of the decision reported

as 2012 (1) SCC 40 *Sanjay Chandra vs. CBI*. He further states that the petitioner is a heart patient and the only person to pursue his remedy and defence evidence.

3. FIR No. 174/2008 was registered at PS Economic Offences Wing on the complaint of Imtiyaz Ahmed Ansari who was running a factory in the name of M/s Ellora Creations. He stated that being desirous of purchasing a factory in NCR region he came in touch with the petitioner and he was shown property No. B-191, Sector-80, Noida, Phase-II, Gautam Budh Nagar, U.P. The petitioner stated to him that he had purchased the said plot admeasuring 23453 sq. yards and had also made part payment. On the assurance that the petitioner was the owner of the said property the complainant entered into an agreement and paid a sum of ₹3 crores while one crore was paid in cash, ₹1 crore was given in the form of two demand drafts in the name of DRT–I and other ₹1 crore in the name of the petitioner by an account payee cheque. Later the complainant came to know that the petitioner was not even the owner of the plot which he had agreed to sell to the petitioner.

4. After registration of the FIR since the whereabouts of the petitioner were not known, he was declared a proclaimed offender vide order dated 2nd July, 2010 and was arrested only on 20th September, 2016. During the investigation it has been found that the petitioner is not only involved in the present case and two more cases registered at PS Economic Offence Wing, he is found to be involved in 19 other FIRs in which he is facing trial.

5. Considering the conduct of the petitioner that he was not even available for investigation for eight years and is involved in number of

cases, this Court has no reasonable ground to believe that the petitioner, if enlarged on bail would be available for trial.

6. Bail application is dismissed.

MUKTA GUPTA, J.

NOVEMBER 23, 2017
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