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

+ BAIL APPLN. 2693/2016

YUDHVIR MALIK

..... Petitioner

Through Mr.Sunil K. Mittal, Mr.Khshitij
Mittal and Mr.Sushant Bali, Advs.

versus

THE STATE

..... Respondent

Through Mr.Panna Lal Sharma, APP with
Insp. Madan Meena, PS Vasant Kunj
(South).
Mr.Amit Tiwari, Adv. for the
complainant.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **06.01.2017**

The present application has been filed under Section 439 read with Section 482 Cr.P.C. for the grant of regular bail in FIR No.688/2016, under Sections 420/447/467/468/471/120-B IPC, Police Station Vasant Kunj (South).

As per FIR, the allegations levelled in the instant case are that the complainant filed a complaint with the police alleging therein that he has been authorized by Ms.Priyanka Singhvi, Sh.Vallabh Khatri and Sh.Deepak Jain who were the owners of plot nos.B-590, B-590B, B-474, B-475 and B-580. It was alleged that in March 2013, accused/petitioner had attempted to encroach the plots of the complainant. Thereafter accused rendered apology and proposed to purchase the

said plots. The complainant agreed to sell the said plots for a consideration of Rs.1.5 crores and executed an Agreement to Sale dated 08.08.2014. Accused paid Rs.10 lakhs at the time of agreement and assured to pay the rest of the money within 90 days. Accused paid Rs.9.5 lakhs on 18.08.2014. Thereafter, the complainant gave the possession of the said plots to the accused and permitted him to raise the construction. It was further alleged that the accused without the consent of the complainant had inducted some unknown persons in the property in question. It was alleged that the accused with dishonest intention induced the complainant to deliver the possession of the plots in question.

Arguments advanced by the learned counsel for the accused/petitioner, learned APP for the State and learned counsel for the complainant were heard.

During the course of arguments, it has been submitted by the Investigating Officer that the investigation is almost complete and he will file the charge sheet within 15 days.

As per FIR, the fact remains that the only allegation against the accused/petitioner is that under inducement or allurement, he obtained the possession of the plots in question from the complainant and had not paid the remaining part of the money as per the Agreement to Sale.

It is also apparent from the record that the accused/petitioner is behind the bar since 25.11.2016. No recovery is to be affected from him and he is not required for any further custodial interrogation.

In the facts and circumstances, the accused/petitioner is granted

bail. It is directed that he be released on bail on furnishing the personal bond in the sum of Rs.25,000/- with two sureties in the like amount to the satisfaction of the court concerned. The petitioner is directed to join the investigation as and when required. He is further directed not to tamper with the evidence and not to influence the prosecution witnesses. He is further directed not to leave the country without prior permission of the court concerned.

Before parting with the order, this court would like to place it on record by way of abundant caution that whatever has been stated hereinabove in this order has been so said only for the purpose of disposing of the prayer for bail made by the petitioner. Nothing contained in this order shall be construed as expression of a final opinion on any of the issues of fact or law arising for decision in the case which shall naturally have to be done by the Trial Court.

Bail application is accordingly allowed.

Dasti.

P.S.TEJI, J

JANUARY 06, 2017
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