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

+ **BAIL APPLN. 2007/2015**

NABI AHMED

..... Petitioner

Through: Mr. R.N. Dubey, Advocate with
Mr. M.N. Khan, Advocate

versus

STATE (GNCT OF DELHI)

..... Respondent

Through: Mr. Tarang Srivastava, APP for the
State with SI Bhupesh Kumar, PS
Burari.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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15.05.2017

The First Information Report (FIR) No.140/2014 of Police Station Burari was registered at the instance of Ghanshyam Dass Sharma alleging offence under Section 420/34 of the Indian Penal Code, 1860 (IPC) it having been committed allegedly by persons connected with entity described as T.S. Associates, the same having taken from him cheque of Rs.4100/- with certain documents including blank cheque leaves purportedly to arrange loan from the bank in the sum of Rs.4 lacs.

The applicant's name and role figured in evidence gathered during the course of investigation. The status report indicates that he moved the court of Sessions for grant of anticipatory bail thrice, *i.e.* on 26.06.2014, 18.07.2014 and 15.09.2015, each such application having been dismissed. It further appears that during the course of investigation, on the request of investigating officer, the court of Metropolitan Magistrate by order dated

14.07.2014 also issued non-bailable warrants (NBWs) against the applicant since he was elusive and could not be traced. The said NBW, however, was frustrated as the petitioner was granted some protection in the course of hearing on the anticipatory bail application moved in its wake. He had challenged the dismissal of the anticipatory bail application by order dated 18.07.2014 by the court of Sessions by a criminal revision petition no.428/2014 in this court. During the pendency of the said criminal revision petition also, he was granted some protection against arrest. But then, eventually the said criminal revision petition was withdrawn on 25.08.2015. It was thereafter that he had moved fresh application for anticipatory bail before the court of sessions which also came to be dismissed.

During the course of investigation five witnesses including Ghanshyam Dass Sharma, the others being Suresh, Surender Sharma, Ratneshwar Mahto and Jagdish Grover have come up with similar complaints of cheating by same *modus operandi* through the said very entity T.S. Associates, and have identified the applicant as the person who was impersonating as Naveen Tyagi.

The investigation has also brought out that the applicant, introducing himself by the name of Naveen Tyagi, was using motorcycle bearing registration no.DL-7SBA-2465 regularly and maruti car bearing registration no.DL-3CT-5227 occasionally. The said motorcycle is found registered in the name of the applicant. But, when he was called upon to explain, the applicant stated that he had sold the said vehicle to one Amit Sharma. He also seems to have claimed that the said Amit Sharma was not known to him. This apparently was not true as the call detail records of his telephone number seem to indicate that he had been in regular touch with Amit Sharma, who possesses mobile number 9211637287.

Clearly, the applicant has not been coming clean with all the facts. The investigation has not progressed seemingly in the absence of custodial interrogation.

In the above facts and circumstances, release on anticipatory bail is not warranted. The interim protection is withdrawn.

Dismissed.

R.K.GAUBA, J.

MAY 15, 2017

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