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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2330/2017**
ABBAS HUSSAIN

..... Petitioner

Through: Mr. Bahar U. Barqi, Adv.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Ravi Nayak, APP for State with SI
Pardeep Kr., SI Devinder Kr., P.S. Model Town.
Mr. Saket Sikri and Mr. Ajay Pal Singh, Adv. for
the complainant.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
20.12.2017

The petitioner seeks bail in FIR No. 0371 dated 6.9.2017 under Sections 406/420/34 IPC, Police Station - Model Town, Delhi. It is alleged that the petitioner along with his brother is involved in fraudulent activities in obtaining monies from the complainant by forging documents of property bearing No. B-1, New Jaffrabad, Shahdara, Delhi.

The learned counsel for the petitioner submits that there are no documents or evidence against the petitioner. The allegations are primarily against his brother who may have taken monies from the complainant M/s. Sachdeva Land & Finance Pvt. Ltd. and since he was unable to repay the loan, the property in question was allegedly

sold to the said lender. Earlier in time, the said property had been mortgaged to the Corporation Bank as a guarantee for raising a loan in favour of the petitioner. But he is neither a witness nor a party to any transaction apropos the said property after the original documents of the same had been submitted to the Corporation Bank.

The learned counsel for the State has sought to rely upon certain documents to show that subsequent to the mortgage of the said property to the Bank, there have been transactions with other parties by Mr. Javed Hussain. He submits that two sets of conveyance deeds were used by Mr. Javed Hussain apropos the same property for obtaining monies from the subsequent purchasers. The learned counsel for the State submits that signature of the petitioner has been appended to a document of sale of the aforesaid property to M/s. Sachdeva Land & Finance Pvt. Ltd. on 17.05.2017 as well as to one Raisuddin on 05.05.2015. However, this fact has been denied by the learned counsel for the petitioner. Interestingly though neither of the said conveyance deeds is the petitioner's name mentioned as a party.

Be that as it may, the petitioner's role would have to be proven through a trial which cannot be fixed at this stage.

Considering the above facts, no purpose would be served in keeping the petitioner behind bars. In the circumstances, he is enlarged on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the Trial Court concerned, subject to the following conditions:-

(i) The petitioner will regularly appear on each and every date of hearing of the case;

- (ii) the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) 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.

The petition is disposed off in the above terms.

Nothing stated in this order shall be deemed to be an adjudication on the merits of the case.

A copy of this order be given *dasti* under the signature of the Court Master.

NAJMI WAZIRI, J

DECEMBER 20, 2017/acm