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

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Judgment delivered on: 01.02.2018

+ BAIL APPLN. 255/2018 CRL. M. A.1929/2018.

FAZLUR REHMAN

..... Petitioner

versus

THE STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner :

Mr K.K.Jha, Advocate with Mr Prabhakar Thakur

For the Respondent :

Mr Akshai Malik, Addl. PP for the State with ASI Vijay Kumar, PS Sunder Vihar and Mr Vinod Kumar Sharma,

**CORAM:-
HON'BLE MR JUSTICE SANJEEV SACHDEVA**

**JUDGMENT
01.02.2018**

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner seeks anticipatory bail in case FIR No.488/2017 under Section 420 IPC, Police Station Mianwali Nagar.
2. As per the subject FIR, one person with the name of Virendra Chaudhary was known to the complainant for approximately a year and a half prior to the registration of the FIR.
3. It is contended that the said Virendra Chaudhary got familiar with

the family as he would bring gifts from his village, i.e. ghee and vegetables. It is alleged that one day he stated that there was one widow in his village, who needed money and had gold earth worth Rs.25 lakhs.

4. It is contended that thereafter, the complainant was approached by the petitioner repeatedly for the purpose of purchasing the said gold earth. Negotiations were entered into and it was ultimately agreed that a sum of Rs.15 lakhs would be paid for the gold earth along with some clothes and gents watches.

5. It is contended that in February, 2017, one person, who claimed to be the uncle of the said widow came along with Virender Chaudhary and showed them the gold earth, part of which was melted and shown to contain gold. The remaining gold earth was taken to another room for the purposes of testing. Thereafter, it is contended that a sum of Rs.15 lakhs was paid to Virendra Chaudhary. All of them thereafter left.

6. Subsequent to verification, it was found that the said gold earth was in fact the only dust and mud. Thereafter, the complainant attempted to contact the said Virendra Chaudhary but to no avail. Subsequently, it transpired that the said Virendra Chaudhary was actually a person named Atikur Rahman, a resident of Hapur. The complainant is stated to have traced out a telephone number, on which they contacted the said person, who promised to return the money but did not.

7. Learned counsel for the petitioner contends that petitioner is Fazlur Rehman and not Virendra Chaudhary or Atikur Rahman. He contends that he has no connection with the said incident or the said individuals.

However, it is contended that the telephone number, which is mentioned in the FIR is the telephone number of the petitioner, but it was mentioned in a complaint given to the Police Commissioner on 02.11.2017 made by the petitioner against one officer of Delhi Police and as a retaliation, the said Officer has manipulated and manoeuvred the registration of a false FIR and falsely implicated the petitioner.

8. Learned Additional Public Prosecutor for the State opposes the grant of bail and has filed the status report dated 04.01.2018, which is taken on record.

9. It is contended in the said status report that FIR has been registered in Police Station Prasad Nagar as well as Police Station Krishna Nagar, Delhi, being FIR No.115/2017 dated 13.05.2017, under Sections 420/34 IPC and FIR No.927/2015 under Section 420 IPC respectively, wherein similar *modus operandi* has been used by one individual, who had given his name as Mohan Chaudhary and Virendra Chaudhary respectively.

10. It is submitted that investigation has revealed that it is the petitioner, who is using different *aliases*, to cheat people in the same fashion.

11. It is contended that custodial interrogation of the petitioner is required and further the involvement of the petitioner in the above two FIRs is to be verified, which would be possible only after taking the petitioner in custody. Further, it is contended that the two FIRs registered at Police Station Prasad Nagar and Police Station Krishna Nagar were registered much prior to the alleged complaint of the petitioner dated 02.11.2017 and as such, the contention that the subject FIR is a retaliation to the complaint

of the petitioner, is not substantiated.

12. The case file has been produced, which has been perused.

13. Keeping in view the status report as well as the contentions of the learned Additional Public Prosecutor for the State and the allegations contained in the subject FIR as well as the two other FIRs, which have been filed in the Court today, in my view, it is not a fit case to admit the petitioner to anticipatory bail and the prayer of the prosecution for custodial interrogation in this case appear to be justified.

14. It may also be noticed that the petitioner had earlier also filed an application seeking anticipatory bail being Bail Appln.2622/2017, which was dismissed as withdrawn on 05.01.2018.

15. I find no merit in the petition.

16. The petition is accordingly dismissed.

SANJEEV SACHDEVA, J

February 01, 2018

'Sd'