

8

\$~1 & 2

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

+ **BAIL APPLN. 662/2018**

DINESH KAPOOR

..... Petitioner

Through: Mr. Ravi Chawla and Mr. Komal
Sharma, Advocates

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Mr. Kewal Singh Ahuja, APP with SI
Pukhraj

Mr. Vijay Kant Srivastava, Advocate for the
complainant with complainant in person

+ **BAIL APPLN. 663/2018**

KISHORE KAPOOR

..... Petitioner

Through: Mr. Ravi Chawla and Mr. Komal
Sharma, Advocates

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Mr. Kewal Singh Ahuja, APP with SI
Pukhraj

Mr. Vijay Kant Srivastava, Advocate for the
complainant with complainant in person

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

%

01.11.2018

The allegations have been made about complicity of the
petitioners Dinesh Kapoor and Kishore Kapoor in offences punishable

BAIL APPLN. 662/2018 & 663/2018

page 1 of 4

Signature Not Verified

Signing Date:09.10.2024 16:00:12
Certify that the digital and physical file have
been compared and the digital data is as per
the physical file and no page is missing.

under Sections 420, 34 IPC, which is the subject matter of investigation into FIR no.128/2018 of police station Prashant Vihar registered on the complaint of Nand Lal Bhatia. The petitioners had come up with these petitions seeking anticipatory bail apprehending arrest in the said case. By similar orders passed on 23.03.2018, interim protection against arrest was granted subject to conditions inclusive of they joining investigation as and when required to do so. The said orders have continued to operate till date. The parties were referred to the process of mediation in the hope of they resolving the dispute amicably. Though such process has not borne fruit yet, the parties including the complainant, who is present in person with counsel submit that the efforts for amicable resolution are still underway.

On 13.09.2018, the petitioners had submitted that in order to show their bonafide, without prejudice to the contentions of both sides, they were ready to deposit with the jurisdictional court of cognizance, an amount of Rs.25 Lakhs, as was submitted by the counsel for the complainant, to be the amount in dispute. Pursuant to the liberty granted on such offer made by the petitioners, they have deposited two fixed receipts of the total amount of Rs.25 Lakhs with the jurisdictional Magistrate, as per the proceedings recorded on 23.10.2018, copy whereof has been submitted on 27.10.2018. It shall be ensured that the said two fixed deposit receipts remain valid and for this steps will be taken for their auto renewal.

Against this backdrop, the counsel for the complainant submits

that he has no objection to the prayer for anticipatory bail. The learned Additional Public Prosecutor leaves the matter to the discretion of the court confirming at the same time that the petitioners have been cooperating with the investigation so far.

In the above facts and circumstances, while directing that the aforementioned amount of Rs.25 Lakhs in the form of two fixed deposit receipts deposited with the jurisdictional Magistrate shall be retained for being availed for appropriate directions at the appropriate stage, the prayer of the petitioners for release on anticipatory bail is granted.

It is directed that in the event of the petitioners being arrested, they shall be released on bail by the arresting officer on furnishing personal bond in the sum of Rs.20,000/- each with one surety in the like amount subject to the following further conditions:-

- (i) The petitioners shall continue cooperating with the investigation and join the same as and when called upon to do so;
- (ii) The petitioners shall not come in contact with or try to influence any of the witnesses connected to the case;
- (iii) Prior to their release, they shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the investigating officer;
- (iv) They 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/her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

11

(v) They shall not leave India without the prior permission of the court of cognizance or the trial court, as the case may be, and to ensure due compliance with this condition and shall deposit their passport, if they hold the same, with the said court.

This order will inure only till the date of first appearance of the petitioners in the event of a charge-sheet being filed on conclusion of the investigation and process being issued against him by the court of cognizance.

The petitions stand disposed of in above terms.

Dasti.


R.K.GAUBA, J

NOVEMBER 01, 2018
Yg