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

\+ BAIL APPLN. 983/2018 & Crl.M.B.706/2018

AJAY MAINI ..... Petitioner

Represented by: Mr.Vijay Kumar Aggarwal, Ms.Hemlata Kharayat, Mr.Shekhar Pathak and Mr.Shailesh Pandey, Advocates

versus

STATE (NCT OF DELHI) ..... Respondent

Represented by: Ms.Meenakshi Chauhan, APP for the State with SI Subhash Chandra, PS Model Town
Mr.Manoj Kr.Ohri, Sr.Advocate along with Mr.Nawab Singh jaglan and Mr.Abhimanyu Singh, Advocates for the complainant

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

O R D E R

% **25.07.2018**

1. By this petition, the petitioner seeks anticipatory bail in case FIR No.111/2017 under Sections 420/406 IPC registered at PS Model Town, New Delhi on the complaint of Sushil Kumar Goel.

2. Sushil Kumar Goel in his complaint stated that he was running a finance company in the name of M/s.DPA Finance Private Limited having its registered office at D-13A/30, Model Town-II, Delhi. In the year 2014 petitioner came into his contact and developed friendly relations. Petitioner represented himself to be in the business of construction and real estate and

induced him for his financial assistance of personal loan @ 6% interest per annum. Thus, Sushil Kumar Goel gave a sum of ₹7.8 crores to petitioner from his and his wife's account. In the end of April, 2015, petitioner again approached for more money when complainant requested him to return the money. In July, 2015, petitioner returned ₹2 crores to show his bonafides. The petitioner also induced the complainant by showing his willingness to execute necessary loan documents for the loan purpose. The complainant thus agreed to execute fresh loan transaction for an amount of ₹5.58 crores at an interest rate of 12% per annum. Thus, a loan vide loan application dated 3rd August, 2015 was applied by the petitioner and a cheque bearing No.10009947 for a principal amount of ₹5.58 crore was issued in favour of M/s.DPA Finance Private Limited by the petitioner which was later dishonoured. On 11th August, 2015 by way of RTGS the complainant Company deposited ₹5.58 crores in petitioner's Union Bank, Model Town-II account which he used for the repayment of Sushil Kumar Goel and his wife's loan.

3. On the assurance of the petitioner, complainant further gave a sum of ₹65.90 lakh through cheques which were credited into the account of the petitioner at State Bank of Bikaner & Jaipur, Faridabad branch. It is thus alleged that the petitioner cheated the complainant for a sum of ₹5.58 crores and ₹65.90 lakh totaling to ₹6.24 crores approximately.

4. Learned counsel for the petitioner states that the petitioner neither executed any loan document nor any cheque book was issued to the petitioner. The complainant in connivance with other people got issued the cheque book, filled up the same and sought withdrawal of the money.

5. According to the Status Report, though notices have been issued to the petitioner, however, he failed to join investigation and was also not found at the address given. Further, the petitioner is also involved in four other FIRs being FIR No.106/2016 and FIR No.119/2016 registered at PS EOW, FIR No.429/2016 registered at PS Sector-31, Faridabad and FIR No.276/2016 registered at PS anand Vihar, all FIRs being under Sections 420/468/467 IPC etc.

6. The contention of the petitioner that he never received the cheque book and it has been misappropriated deserves to be rejected for the reason the petitioner does not deny his signatures in the account opening form wherein the petitioner has ticked the column that the cheque book will be received by hand. Further, the statement of the bank account of the petitioner reveals various transactions wherein the petitioner first took the loans of ₹7.58 crores from the accounts of the complainant and his wife out of which ₹2 crores were returned and an amount of ₹5.58 crores was returned to the accounts of the complainant and his wife after taking further loan of ₹5.58 crores from the account of the company M/s.DPA Finance Private Limited. A sum of ₹65.90 lakh has also been transacted into the account of the petitioner maintained at Faridabad.

7. Considering the nature of allegations and the past conduct of the petitioner, this Court finds no ground to grant anticipatory bail to the petitioner.

8. Petition and the application are dismissed.

MUKTA GUPTA, J.

JULY 25, 2018
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