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

+ BAIL APPLN. 1536/2018

ASHOK KUMAR AGGARWAL

..... Petitioner

Through: Mr. Vikas Pahwa, Senior Advocate
with Mr. Gurpreet Singh, Ms. Aashita
Khanna, & Mr. Sachin Chaudhary,
Advs.

versus

STATE

..... Respondent

Through: Mr. Arun Kumar Sharma, APP for the
State.
Mr. Arjun Sanjay, Adv. for the
complainant.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **05.07.2018**

Crl.M.A.11974/2018 (exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

BAIL APPLN. 1536/2018, Crl.M. (Bail) 1053/2018 (for anticipatory bail)

Status report has been filed.

The counsel for the complainant Rakesh Kumar Goel is also present
and opposes the applications for anticipatory bail.

The petitioner/applicant apprehends arrest during the course of
investigation into case FIR No.200/2018 under Sections 420/467/468/471/
120-B Indian Penal Code, 1860 of Police Station Swaroop Nagar, Delhi.
The applicant is the husband of the real sister of the first informant Rakesh
Kumar Goel. It appears that he along with his family have been in
possession of the property stated to be a go-down built on Khasra No.152,

situated in Nangli Poona, Delhi for the last 14 years. It also appears that the parties have been in litigation in civil court in such regard. The property concededly stands in the name of Lajja Ram, Rajni Devi and Rakesh Kumar Goel jointly, Rajni Devi being the wife of Rakesh Kumar Goel. Concededly, in the civil litigation, essentially a suit for injunction against the applicant, there was no reference in the pleadings or any of the submissions as to any claim of the applicant or anyone connected to him to be a tenant in the subject property.

The FIR alleges that there has been an attempt by the applicant to create better title on the basis of a forged rent agreement purportedly executed by Rajni Devi, copy thereof having been deposited with the sales tax department. The original of the said document purportedly executed by Rajni Devi has not seen the light of day. Though the investigating agency has collected copy of the questioned document from the concerned department, there is no clarity as yet as to at whose instance or on whose behalf such document came to be submitted on such record.

Pertinent to add here that the document bears the date 06.01.2012, whereas the registration of the applicant with the sales tax department relates to 05.08.2011. Therefore, this document could not possibly have been used for purposes of registration as is being alleged.

In the above facts and circumstances, a case for anticipatory bail is made out.

Thus, it is directed that in the event of the petitioner being arrested, he shall be released on bail by the arresting officer on furnishing personal bonds in the sum of Rs.50,000/- with one surety in the like amount subject

to the following further conditions:-

- (i) The petitioner shall continue cooperating with the investigation and join the same as and when called upon to do so;
- (ii) The petitioner shall not come in contact with or try to influence any of the witnesses connected to the case;
- (iii) Prior to his release, he 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) He 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;
- (v). He 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 his passport, if he holds one, with the said court; and
- (vi) This order will inure only till the date of first appearance of the petitioner 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.

This disposes of the bail petition and the application for anticipatory bail.

Dasti.

JULY 05, 2018

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BAIL APPLN. 1536/2018

R.K.GAUBA, J.

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