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

+ **BAIL APPLN. 800/2015 & CrI.M.A.No. 6189/2015 (interim relief)**

ANGELA JAITLY & ANR

..... Petitioners

Represented by: **Mr.Ramesh Gupta,
Sr.Advocate with Mr. Ashish
Garg, Advocate**

versus

STATE

..... Respondent

Represented by: **Ms. Meenakshi Chauhan, APP
for State with Inspector Shiv
Datt Jaimin, P.S.Lahori Gate
Ms. Anubha Agarwal &
Mr. Ambuj Agarwal, Advocate
for complainant**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

18.04.2018

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1. By this petition, the petitioners seek anticipatory bail in case FIR No. 384/14 under Sections 420/468/471/34/IPC registered at P.S. Lahori Gate. The above noted FIR was registered on the complaint of Abhishek Modi, who alleged that petitioner no.1 and petitioner No.2 had entered into an agreement with his mother for sale of one plot bearing No. A-5/20, DLF Phase-I, Gurgaon on 26th November, 2013. The complainant paid an amount of ₹85 lacs to petitioner No.1 through RTGS and cheque. On 12th December, 2013 the sale deed was to be executed. However, on the said

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date the petitioners did not present the chain of papers, hence sale deed could not be executed. On inquiry regarding the ownership of the plot, it was revealed that General Power of Attorney purportedly executed by Praful Khanna in favour of petitioner No.2 was a forged document as the stamp paper used in preparing the said GPA had identification number which had started only after 2006 but the GPA was allegedly executed on 17th March, 1997, whereas in the year 1997 such stamp papers were not even being printed.

2. Praful Khanna has admittedly not joined the investigation in person till date and on a telephonic conversation between him and the Investigating Officer he stated that he had never executed GPA in favour of petitioner no.2. On the last date of hearing, when the matter came up before this Court, it was noted that though the charge sheet has been filed, however, no statement of Praful Khanna, the main witness has been recorded. This Court also sought to know from the Investigating Officer whether he contacted Praful Khanna through e-mail and the reply if any, received.

3. Additional status report has been handed over by learned APP for State which is taken on record. As per the additional status report, Praful Khanna has stopped taking the calls of the Investigating Officer and is not responding to the same and the Investigating Officer does not remember his e-mail id.

Learned counsel for the petitioner further states that petitioner has transferred Rs. 2 lac dollar to the account of Praful Khanna as a consideration for executing the documents in favour of the petitioner no. 2 in respect of the property. Though charge sheet has been filed, verification of

these financial transactions are still going on.

4. Considering the nature of evidence collected, the fact that the petitioners have joined the investigation as and when directed, are on interim protection for the last three years, and have also deposited a sum of ₹85 lacs with the Registrar General of this Court which is lying in a Fixed Deposit, this Court deems fit to grant anticipatory bail to the petitioners. It is, therefore, directed that in the event of arrest the petitioners be released on bail on their furnishing a personal bond in the sum of ₹50,000/- each with one surety of the like amount each, subject to the satisfaction of the learned Metropolitan Magistrate/Arresting Officer/SHO concerned, further subject to the condition that the petitioners will join the investigation as and when directed by the Investigating Officer and will not leave the country without prior permission of the Court concerned and in case of change of residential address the same will be intimated to the Court concerned by way of an affidavit.

5. Petition and application are disposed of.

6. Order Dasti.

MUKTA GUPTA, J.

APRIL 18, 2018

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