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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 1900/2017 & CrI. M.A. No.15800/2017 &

17104/2017

DINESH KUMAR

..... Petitioner

Through

Mr. Arvind K. Nigam, Sr. Adv with
Mr. Abhimanyu Shnestha, Mr.
Jatinderpal Singh, Mr. Mikhil Sharda
and Mr. Mehtaab Singh Sandhu,
Advs.

versus

STATE (NATIONAL CAPITAL TERRITORY OF DELHI)

..... Respondent

Through

Mr.Kewal Singh Ahuja, APP for the
State

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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17.01.2018

The petitioner is a 63 year old senior citizen. He is seeking bail in FIR No.255/2012 registered under Sections 420/463/465/468/471 read with Section 120-B of the IPC at Police Station Madhu Vihar. There were two accused persons in this FIR of which the petitioner is one accused; the second accused was his wife Anita who has since been granted bail by this Court on 18.07.2017. The order dated 18.07.2017 is exhausted. It has noted that the accused persons had arrived at a settlement with the complainant party wherein they had agreed to pay a sum of ₹44 lacs along with interest @ 8% per annum to the complainant; the petition seeking quashing of the FIR had also been filed; the FIR could not be quashed as the petitioner and his wife have not complied with the terms and conditions contained in the settlement agreement.

Learned senior counsel for the petitioner informs this Court that as on date, the sum involved in the disputed transaction is ₹17.5 lacs. This sum is not disputed by the learned APP for the State who has instructions from the Investigating Officer. Learned senior counsel for the petitioner points out that in terms of the order dated 18.07.2017, granting bail to the wife of the petitioner, the wife had been directed to pay a sum of ₹5 lacs (modified by the Supreme Court vide order dated 26.10.2017 from ₹10 lacs brought down to ₹5 lacs. He further points out that the company of the petitioner has an arbitration proceeding pending with a third party and because of the financial crunch being suffered by the petitioner, the aforementioned settlement could not be honoured; additional submission being that as and when money is received from the aforementioned third party, this matter will be settled forthwith.

The petitioner is in custody since 25.05.2017. Charge-sheet has since been filed. Investigation is over.

Subject to the petitioner's depositing a sum of ₹3 lacs within a period of 10 days with a further condition that the petitioner shall not leave the country without prior permission of the Court, the petitioner be admitted to bail on his furnishing a personal bond in the sum of ₹10,000/- with one surety in the like amount to the satisfaction of the concerned Trial Court.

Petition disposed of in the above terms.

Order dasti.

INDERMEET KAUR, J

JANUARY 17, 2018/A