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

+ **BAIL APPLN. 2442/2019**

NISHANT ARORA

..... Petitioner

Through: Mr Mohit Mathur, Sr. Advocate with
Mr Sanjay Sharma, Mr Anuj Sharma
and Mr Deepal Goel, Advocates.

versus

STATE

..... Respondent

Through: Ms Meenakshi Chauhan, APP for
State.
Ms Chandrani Prasad and Mr Anuj
Jain, Advocates for complainant.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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26.09.2019

CRL.M.A. 36966/2019

1. Allowed, subject to all just exceptions.

BAIL APPLN. 2442/2019

1. The petitioner has filed the present petition, *inter alia*, praying for grant of anticipatory bail in relation to FIR No.0199/2019 under Sections 420/406/34 of the IPC registered with PS Anand Vihar.

2. The said FIR had been lodged at the instance of Nishant Pitti, Director, M/s Easy Trip Planners Pvt. Ltd. He had alleged that the petitioner had paid a sum of ₹1,46,000/- to the petitioner for purchase of property bearing no. A-53, 2nd Floor, Anand Vihar, New Delhi. However, it was later discovered that the said property had already been mortgaged to M/s

Cholamandalam Investment & Finance Co. Ltd (NBFC). The said NBFC has commenced proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002.

3. It is the petitioner's case that the complainant was always aware that the property in question was mortgaged. According to the complainant, he had already entered into a one-time settlement with the said NBFC and had paid the amount received from the complainant to the said NBFC for obtaining an NOC, which had not been released.

4. At this stage, this Court is not required to examine the rival contentions in detail. However, it does appear that the complainant was aware that the property in question was mortgaged way back in 2016 and the said FIR has been registered in 2019.

5. In view of the above, the present petition is allowed and the petitioner is directed to be released on anticipatory bail on his furnishing a Personal Bond in the sum of ₹50,000/- and a surety of the like amount to the satisfaction of the Investigating Officer.

6. This is also subject to the following further conditions: -

- a) The petitioner shall join the investigation and furnish all records that are available with the petitioner or otherwise obtainable by him to the concerned IO.
- b) He shall deposit his passport with the IO and shall not leave the National Capital Territory of Delhi without due intimation to the concerned IO.
- c) The petitioner shall provide his contact details to the concerned IO/SHO and be reachable at all times;

7. Needless to state that if any of the aforesaid conditions are not met, the anticipatory bail granted to the petitioner is liable to be revoked.
8. The petition is allowed in the aforesaid terms.
9. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

SEPTEMBER 26, 2019
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