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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 07.11.2019

\+ **BAIL APPLN. 2726/2019**

ATUL JAIN ..... Petitioner

Through: Mr. Prakash Priyadarshi, Mr. S. N. Qureshi & Mr. Md. Zaved, Advocate.

versus

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

Through Mr. G. M. Farooqui, APP for State along with SI Bijender Kumar, PS Bhajanpura.

CORAM:
HON'BLE MR. JUSTICE BRIJESH SETHI

JUDGMENT

BRIJESH SETHI, J.(oral)

1. Vide this order I shall dispose of a bail application filed u/s. 439 CrPC by the petitioner **Atul Jain** in FIR No. 584/2017 u/s. 419/420/467/468/471/120-B IPC, P.S. Bhajanpura.

2. Ld. Counsel for the petitioner has prayed for bail on the ground that petitioner is innocent and has been falsely implicated. It is submitted that FIR was registered on a complaint filed by one Smt. Manju Pandey who alleged that she was contacted on phone by one

lady by the name of Monika and discussed about insurance policies of complainant. Complainant informed her that her policies had been damaged due to spilling of water. She told the complainant that complainant was entitled for Rs.52 Lacs. Thereafter, one Rahul Sharma, Dhan Sukhpal, Dushyant Pratap and Ravikant also talked to complainant. It is alleged that these person obtained around Rs. 28 Lacs from her in a span of 3-4 years which complainant had paid in different accounts. During the investigation the petitioner was arrested on 17.01.2018 and after completion of the investigation the chargesheet was filed.

3. Ld. Counsel for the petitioner submitted that petitioner does not have even any remote connection with the offences as alleged by the prosecution and in entire chargesheet the prosecution failed to establish the connection of the petitioner with the offences as alleged. He further submitted that petitioner is young person and investigation has already been completed, hence no fruitful purpose will be served by keeping him in JC. Petitioner undertakes not to influence the prosecution evidence and will not misuse the concession of bail in any manner. The petitioner had moved an application u/s 439 CrPC

seeking regular bail before the Ld. Trial Court. However the said application of the petitioner was dismissed by the Ld. Trial Court vide order dated 18.07.2019. The co-accused persons namely Ritu and Ravikant have already been enlarged on bail by the Ld. Trial Court vide orders dated 20.01.2018 & 22.06.2019 respectively. It is therefore, prayed petitioner be granted bail, in the interested of justice.

4. Ld. APP for the state has opposed the bail application on the ground that allegations against the petitioner are serious in nature. Petitioner is involved in an offence of cheating and forgery along with his co-accuseds. He has, therefore prayed for dismissal of the bail application.

5. I have considered the rival submissions. Present case has been registered on the complaint of Ms. Manju Padey. She has alleged that she had many insurance policies. She received a phone call by one lady named Monika Sharma, who submitted that she was speaking from the **Fund Relief Department**. The complainant shared the details of her polices with her on which she (caller) told the complainant that she had the total fund of Rs. 52 lacs in her polices and she might get it but she would have to spend some money.

Thereafter one Rahul Sharma, Dhan Sukhpal, Dushyant Pratap and Ravikant also talked to complainant. As per prosecution, these persons obtained around Rs. 28 Lacs from her in a span of 3-4 years which complainant had paid in different accounts. After registration of the case, the investigation was conducted by SI Prempal, who recorded the statement of complainant u/s. 161 CrPC, in which she told the details of the alleged bank account numbers in which she had transferred the amount. Total six bank accounts were found to be opened in the name of Dushyant Pratap and his companies. During investigation, real name of the Dushyant Pratap was came to know as Atul Jain i.e. petitioner and on 17.01.2018, petitioner Atul Jain @ Dushyant Pratap was arrested. Certificates of 10^{th} & 12^{th} in the name of Atul Jain and one Adhar Card in the name of Dushyant Pratap were recovered from his possession. An amount of Rs. 3,21,200/- was found to be transferred in the ICICI bank A/c. No. 125605000822 petitioner Atul Jain @ Dushyant Pratap. During investigation petitioner disclosed that he along with co-accused Ravikant had taken an office on rent at Bharat Complex Mamura Mandi, Noida, UP and co-accuseds namely Ritu, Rajesh and Ajay were the employees in their office. Petitioner is previously involved in similar case bearing FIR No. 41/2016 u/s. 420/406 IPC, PS Kotwali, Distt. Bikaner, Rajasthan. Keeping in view the above facts and allegations leveled against the petitioner and his involvement in another case of cheating & forgery, no grounds for bail are made out. The bail application is, therefore, dismissed.

BRIJESH SETHI, J

NOVEMBER 07, 2019
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