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

+ **BAIL APPLN. 1885/2019**

SANTOSH KUMAR

..... Petitioner

Through Mr T.D. Shukla, Mr s.D. Tiwari, Mr G.S.
Tiwari, Advocates.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through Ms Meenakshi Chauhan, APP for state
SI Pritosh, P.S. Burari, Delhi.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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13.09.2019

1. The petitioner has filed the present petition, *inter alia*, praying for an anticipatory bail in connection with FIR No. 262/2018, under Section 420/120B of the Indian Penal Code, 1860, registered at P.S. Burari (North District), Delhi.
2. The said FIR was registered at the instance of one Arun Kumar, father of the complainant, Ms Beauty Jha. It was alleged that the petitioner had sold a plot of land located in Khasra No. 31/7/1 and 31/17, admeasuring 280 square yards, to six persons and had executed a General Power of Attorney in favour of Smt Beauty Jha. It is stated that the entire consideration for the same had been paid. The boundary wall had also been constructed, however, the complainant could not construct the dwelling unit on account of paucity of funds. It is alleged that the petitioner had thereafter broken the boundary

wall and usurped the possession of the said property. It is further alleged that the petitioner has also sold the said plot of land to another person.

3. It is the petitioner's case that he had never entered into any transaction for sale of property with the complainant.

4. The Investigating Officer (IO) has collected certain documents including photocopy of the General Power of Attorney, which indicates that the petitioner had entered into the said transaction; however, the original of the said document is not currently available.

5. Admittedly, the petitioner has joined the investigation. However, it is alleged that he has not provided the original documents which are in his possession.

6. Given the nature of the offence, this Court considers it apposite to allow the present petition and grant anticipatory bail to the petitioner, subject to the petitioner furnishing a personal bond in the sum of ₹50,000/- with one surety of the like amount to the satisfaction of the concerned IO. This is subject to the petitioner joining the investigation and cooperating with the Investigating Officer to the fullest extent. He shall provide all documents that are available in his possession and/or make unequivocal statements regarding their existence.

7. The petitioner shall not leave the National Capital Territory of Delhi without due intimation to the IO. In addition, the petitioner shall provide the mobile number to the IO and ensure that he is reachable at the said number at all times. Needless to state that if the petitioner fails to comply with any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand cancelled.

8. The IO shall also be at liberty to apply in case he considers it necessary that the petitioner be taken into custody.
9. The petition is disposed of.
10. Order *dasti* under the signature of Court Master.

VIBHU BAKHRU, J

SEPTEMBER 13, 2019

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