

\$~44

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

+ **BAIL APPLN. 2111/2019**

RAJ KUMAR KATHURIA

..... Petitioner

Through: Mr Deepak Singh, Advocate.

versus

STATE

..... Respondent

Through: Mr Amit Gupta, APP for State.
SI Palash Malik, PS Jagatpuri.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

26.08.2019

CRL.M.A. 34163/2019

1. Allowed, subject to all just exceptions.

BAIL APPLN. 2111/2019

2. The petitioner has filed the present application, *inter alia*, praying for anticipatory bail. The petitioner had also moved an application seeking a similar relief before the court of the Additional Sessions Judge and the said application was dismissed by an order dated 07.08.2019.

3. The petitioner had executed a Sale Deed on 28.09.2012 in favour of one Smt. Rachna Malhotra and Smt. Kanchan Kakkar. The said purchasers (complaints) have filed an FIR alleging that the property which was subject matter of the sale deed dated 28.09.2012, was already mortgaged to a bank and had also been sold to one Mr Amit Vij.

4. Admittedly, the applicant had received an amount of ₹65 lakhs for the

transaction. The applicant claims that the said amount was received as a loan and not as a sale consideration for sale of the property. He also states that the said amount had been returned. According to the applicant an amount of ₹10 lakhs was deposited in the account of Mr Sachin Malhotra; ₹5 lakhs was deposited in the account of Ms Shiva Flour Mills; and ₹60 lakhs was deposited in the account of Mr Rajesh Kumar Vij.

5. *Prima facie*, it does not appear that the said amounts could be considered as discharge of any loan from the purchasers. It also appears from the averments that the petitioner has executed a multiple sale deeds in respect of the same property.

6. In view of the above, this Court is not inclined to accept to the prayer made in the present application at this stage. The application is, accordingly, dismissed.

VIBHU BAKHRU, J

AUGUST 26, 2019
MK