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

+ **Bail Appl. No. 893/2020**

AMIT YADAV

..... Petitioner

Through: Mr.Amit Saxena and Mr.
Dishank Dhawan, Advocates.

versus

STATE (GOVT OF NCT OF DELHI) Respondent

Through Ms. Meenakshi Dahiya, APP
for the State with SI Amar
Singh, P.S. RK Puram.
Mr. J.S. Arya, Ld. Counsel
for the complainant.

CORAM:
HON'BLE MR. JUSTICE BRIJESH SETHI

ORDER
20.05.2020

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BRIJESH SETHI, J.

The hearing has been conducted through video conferencing.

Bail Appl. No. 893/2020 & Crl. M.A. No. 6336/2020 (Stay)

1. This is an application filed under Section 438 Cr.P.C. for grant of anticipatory bail in FIR bearing no. 46/2020, P.S. R. K. Puram, u/s. 406/420 IPC.
2. Ld. Counsel for the petitioner submits that the petitioner is a law abiding citizen and belongs to a respectable family and

presently working as Head Constable with Delhi Police and deputed BDT Branch (Bomb Disposal Squad), Southwest District, Delhi and he was never informed about the registration of any FIR by the concerned police officials.

3. It is submitted that the complainant has filed the present complaint dated 28.11.2019 before the DCP concerned mainly on bald averments and without any documentary proof. Furthermore, the complainant has concealed several material facts in the present complaint that he had filed another complaint before the Vigilance Deptt. Delhi Police against the very same applicant/ accused in which alleged amount was mentioned as Rs. 4.5 Crores.

4. It is further submitted that the present FIR was registered under Section 420 IPC whereas plain reading of the contents of the FIR nowhere shows the allegations of inducement on the part of the petitioner/accused. Only cash transactions were alleged to have been made without providing any details regarding the mode and manner of making such payment by the complainant to petitioner/accused. Only vague allegations have been made in the FIR without any just grounds or basis.

5. It is submitted by Ld. counsel that petitioner is ready to join the investigation as and when required and it is, therefore, prayed that petitioner be released on anticipatory bail in the event of his arrest.

6. The application is opposed by the Ld. APP for the State as well as by Ld. Counsel for the complainant on the ground that the allegations against the petitioner are serious in nature. He is

involved in the offence of cheating and forgery. Investigation is at initial stage. The petitioner is absconding and not attending his office. It is further submitted that petitioner who is working as Head Constable in Delhi police cannot run any illegal Committee at all. He was running illegal committees and has cheated about 13-14 persons including complainant Sanjay Aggarwal. Custodial interrogation of petitioner is required for recovery of huge amount of cheating. It is, therefore, prayed that anticipatory bail application of the petitioner be dismissed.

7. I have considered the rival submissions. The present FIR has been recorded on the statement of complainant Mr. Sanjeev Aggarwal. In his statement he submits that he knows petitioner Amit Yadav since 2012. Petitioner used to run committees from Sec.8, R. K. Puram Market and returned the benefited amount in time. In the year 2012, complainant invested amount of Rs. 09 Lacs. In the year 2013, complainant again invested an amount of Rs. 15 Lacs in committee being run by him along with his brothers Anil Yadav and Lokesh Yadav. In the year 2014, complainant again invested Rs.30 lacs and 18 Lacs. In October 2016, complainant invested in 06 Committees with an amount of Rs. 60 Lacs, Rs. 45 Lacs, Rs. 36 Lacs, Rs. 18 Lacs, Rs. 15 Lacs, Rs. 9.60 Lacs and Rs. 08.40 Lacs and it was decided that an installment of Rs. 13 Lacs 70 Thousands will be paid per month. In total, complainant has paid an amount of Rs. 1 Crore 76 Lacs to petitioner and beside this he has paid an amount of Rs. 19 Lacs to petitioner in cash. However, no amount has been refunded by the petitioner to the complainant.

Thus petitioner along with his brothers has cheated the complainant for an amount of 1.95 lacs (Rs. One Crore and Ninety-five lacs).

8. As per inquiry report submitted with Status report, other persons namely Mr. Budhinath and Mr. Subash Chand Sharma have stated that petitioner Amit Yadav has to return their amount as well. It has also come on record, that the petitioner was called by the DCP South-West to join the enquiry. The petitioner had joined the same and denied the allegations and stated that he would give his detailed statement on next day. However, after that he failed to turn up despite repeated requests.

9. Perusal of the above facts, thus, reveals that there are allegations of huge amount of cheating against the petitioner as well as his brothers amounting to Rs. One Crore and Ninety-five lacs. approximately. The petitioner, who is a police official is alleged to involved in running illegal committees and has prima facie cheated the complainant and some other persons. He is not joining the investigation and is not attending his office as well. Investigation is at initial stage. Custodial interrogation of petitioner is required for recovery of cheated amount which is quite huge. Keeping in mind the above facts appearing on record and also in view of the fact that petitioner is not cooperating with investigating agency and custodial interrogation of the petitioner is required for recovery of cheated amount, no grounds for anticipatory bail are made out. The anticipatory bail application is, therefore, dismissed.

10. A copy of this order be uploaded on the website of this court forthwith.

BRIJESH SETHI, J

MAY 20, 2020
(AP)

