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

+ BAIL APPLN. 1289/2020

BRIJESH KUMAR

..... Petitioner

Through: Mr.Arvind Kumar Shukla, Advocate.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Dr.M.P.Singh, APP for State along
with I.O SI Praveen, P.S. S.B. Dairy
(M-9953184030).

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER

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10.07.2020

BAIL APPL 1289/2020

1. The present application has been filed on behalf of the petitioner seeking bail in FIR No.32/2018, registered under Sections 420/467/468/471/506/120-B/174A/34 IPC at Police Station Shahbad Dairy, Delhi.
2. Learned counsel for the petitioner submits that the present case involves sale of a plot measuring 450 sq. yards out of Khasra No. 245, Prahlad Vihar, Village Shahbad, Daulatpur. He further submits that the aforesaid plot was used by the main accused and the alleged owner of the said plot has already entered into a settlement with the complainant for a total amount of Rs. 21 lacs, out of which a sum of Rs.10 lacs was stated to

have been paid. He has referred to the order dated 04.12.2019 passed in Bail Appln.1578/2019 in this regard. He further submits that the petitioner is only a witness to the aforesaid agreement and is not the beneficiary of the said transaction.

3. Dr. M.P.Singh, learned APP for the State vehemently opposes the bail application. He submits that the petitioner along with Mr. Lalit Kr. Dev misrepresented and cheated the complainant on the basis of forged and fabricated documents of the property. He, however, submits that the main accused has entered into a settlement with the complainant and, on instructions, further submits that the present petitioner is not the beneficiary of the sale transaction. It is stated that the petitioner was declared a proclaimed offender (P.O) vide order dated 18.04.2019 and thereafter he could be arrested only on 15.10.2019. Also, he is found involved in two other cases.

4. In rebuttal, learned counsel for the petitioner submits that out of the two FIRs, one FIR is against the father of the petitioner and in the other FIR, the same complainant has a dispute with some other lady. So far as PO proceedings are concerned, it is stated that the petitioner has always resided at the same address and even otherwise, after his arrest, a settlement has been arrived at between the main accused and the complainant. He further submits that the petitioner is in custody since 16.10.2019.

5. Keeping in view the totality of the facts and circumstances of the case and the fact that a settlement has been arrived at between the main accused and the complainant, who has already been released on bail, the petitioner is admitted to bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail

Superintendent/Duty M.M. and subject to the following further conditions:-

- (i) The petitioner will not leave NCT of Delhi without prior permission of the concerned Court.
 - (ii) The petitioner will regularly appear before the Trial Court.
 - (iii) The petitioner will not directly or indirectly get in touch with the complainant or any other prosecution witness and shall not try to tamper with the prosecution evidence.
6. The application stands disposed of.
7. A copy of this order be communicated electronically to the concerned Jail Superintendent for information and necessary compliance.

CRL. M. (BAIL) 7430/2020

Since the petitioner has been granted regular bail, the present application filed on behalf of the petitioner seeking interim bail has become infructuous and the same is accordingly dismissed.

MANOJ KUMAR OHRI, J

JULY 10, 2020
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