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

+ **BAIL APPLN. 1824/2020**

TUSHAR KAUSHIK

..... Petitioner

Through Mr Tarun Sharma, Advocate.

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through Mr Amit Gupta, APP for State with
Insp. Jitender Kumar, DIU West

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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17.08.2020

[Hearing held through video conferencing]

1. The petitioner has filed the present petition, *inter alia*, praying for bail in FIR No. 542/2015 under Sections 406/420/120-B/34 of the IPC registered with PS Janak Puri, New Delhi.
2. The said FIR was registered on an allegation that the petitioner and other co-accused were running a fraudulent scheme whereby they had represented to various persons that they would supply cars on payment of 20% of the consideration and the balance 80% would be financed. The said loan component would also be repaid by M/s Advelocity India Ltd. (a private company) which at the material time was allegedly run by the petitioner and co-accused. The said funds would be generated by the use of the vehicles for displaying various advertisements.
3. It is stated that a sum of ₹49 lakhs was collected from fifty-five

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victims who were not provided any car, as promised. There were about thirty-five persons who were provided cars but their EMIs were not paid, as allegedly promised by the accused.

4. The allegation against the petitioner is that he also executed a promissory note in favour of one of the victims. The co-accused (brother of the petitioner) was arrested on 17.04.2016 and subsequently, was released on bail subject to the directions that he would deposit a sum of ₹20 lakhs in two instalments of ₹10 lakhs each. It is stated that he has not been participating in the proceedings and hence proceedings under Section 82 of the CrPC have been initiated against him.

5. It is also stated that the efforts made to trace the petitioner at the material time were in vain and he could not be apprehended. The petitioner was arrested in another case on 14.01.2020.

6. It is the petitioner's case that he was not the director or promoter of the company in question (M/s Advelocity India Ltd.). He claims that he was only an employee and his brother (the co-accused Harshul Kaushik) was running the company along with other directors. He further states that he did not abscond or intentionally evade any proceedings. He states that he was informed by his brother that all disputes were being settled and he was under a *bona fide* belief that the matters would have been settled.

7. In view of the above, this Court considers it apposite to allow the present petition. The petitioner is directed to be released on bail on his furnishing a personal bond in the sum of ₹50,000/- with one surety of the like amount to the satisfaction of the concerned Court/Duty Magistrate. This is also subject to the following further conditions:-

(a) that the petitioner shall deposit a fixed deposit

receipt (FDR) in the sum of ₹5,00,000/- with the Trial Court;

- (b) that the petitioner shall provide a contact number and ensure that he is reachable at all times;
- (c) that the petitioner shall not leave the National Capital Territory of Delhi;
- (d) that the petitioner shall mark his presence on first Monday of every calendar month before the SHO of the concerned Police Station (PS Janakpuri);
- (e) that the petitioner shall not try to contact or influence the witnesses in any manner.

8. The petition is allowed in the aforesaid terms.

VIBHU BAKHRU, J

AUGUST 17, 2020
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