

\$~2 and 3

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 26th November, 2020
+ **BAIL APPLN. 1887/2020 and CRL.M.As. 9941/2020, 9942/2020**
RAJAT MAHAJAN Petitioner
Through: Mr. Prag Chawla and Mr. Jaspreet Kaur,
Advocates (M: 9810048366).

versus

THE STATE GOVERNMENT OF NCT OF DELHI Respondent
Through: Mr. Raghuvinder Verma, APP.
Mr. Ravish Goyal, Advocate for
Complainant (Mr. Piyush Nautiyal).

3. **WITH**
+ **BAIL APPLN. 1888/2020 and CRL.M.As. 9943/2020, 9976/2020,**
12937/2020
RANJANA MAHAJAN Petitioner
Through: Mr. Prag Chawla and Mr. Jaspreet Kaur,
Advocates (M: 9810048366).

versus

THE STATE GOVT OF NCT OF DELHI Respondent
Through: Mr. Raghuvinder Verma, APP.
Mr. Ravish Goyal, Advocate for Complainant
(Mr. Piyush Nautiyal).

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through video conferencing.
2. In the present cases, the Petitioners sought anticipatory bail. The dispute is between the Petitioners and one Mr. Piyush Nautiyal (*hereinafter*, "*Complainant*") who alleges that he had to pay a sum of Rs.31,44,000/- to the Petitioners on various dates. The further allegation is that one of the Petitioners - Rajat Mahajan and the Complainant became friends as they were

working in the same gym. They both had agreed to set up a common business. Accordingly, Rajat Mahajan in collusion with his mother Ranjana Mahajan, had taken money from the Complainant. It is the allegation of the Complainant that the amount was not repaid by the Petitioners and they had, in fact, handed over title documents of property bearing No. E-24, 2nd Floor, Moti Nagar, Delhi-110015 to the Complainant and sale deed of car bearing number DL-5CN-7219. However, the sale deed in respect of the property was not executed and the car was also stolen by the Petitioner. Cheques issued were also dishonored and thus FIR No. 95/2020 was registered by the Complainant at PS Farsh Bazaar, Delhi.

3. The applications for anticipatory bail were considered on 27th July, 2020 on which date, Mr. Chawla, Id. Counsel appearing for the Petitioners submitted that the Petitioners were willing to deposit some money. Accordingly, this Court had issued notice and on 6th August, 2020, granted anticipatory bail on the following conditions:-

“5. Considering the age of one of the Petitioners as also the nature of the dispute and the current pandemic, the Court is inclined to grant anticipatory bail to the Petitioners, subject to the following conditions:

i. The Petitioners shall deposit a sum of Rs.10,00,000/- on or before 15th September, 2020 with the Registrar General of the Delhi High Court.

ii. The Petitioners shall make a further deposit of Rs.5,00,000/- on or before 15th October, 2020 with the Registrar General of the Delhi High Court.

iii. Counsels for the Petitioners and the Complainant shall make an attempt to resolve the disputes. The first meeting between the parties shall take place on 3rd September, 2020 at 11:30 am in the chamber of Mr. Prag Chawla, Id. counsel at Chamber No. 23 Delhi

High Court, Sher Shah Road, Delhi-110503. Parties shall take adequate precautions and maintain social distancing and wear masks.”

4. Thereafter, an amicable resolution was also explored between the parties which did not work out. On 20th October, 2020, the Id. APP was directed to place on record any documents which the Investigating Officer (*hereinafter “IO”*) had collected during the investigation.

5. The status report of the IO has been perused by the Court. The dispute is primarily of monetary nature. Thus, without going into the merits of the contents of the status report and the documents annexed therewith, this Court is of the opinion that the anticipatory bail deserves to be continued, subject to the following conditions:-

i. The Petitioners shall deposit a further sum of Rs.10,00,000/- in the following instalments: -

a) Rs.5,00,000/- on or before 24th December, 2020.

b) Rs.5,00,000/- on or before 31st January, 2021.

ii. Both the deposits shall be made with the Id. Registrar General of this Court. The entire amount of Rs.10,00,000/- shall be retained in an FDR for an initial period of one year on auto-renewal mode.

iii. Subject to these deposits being made, no coercive steps shall be taken against the Petitioners, subject to the following further conditions: -

a. The Petitioners shall not leave India and shall surrender their passports with the Id. Trial Court. If the Petitioners wish to travel, they shall take permission from the Id. Trial Court. The Id. Trial Court shall consider their request and may give permission, subject to reasonable conditions in accordance with law.

- b. The Petitioners shall give their live mobile numbers and their residential address to the IO and contact him on a fortnightly basis.
 - c. The Petitioners shall co-operate in the trial and appear before the Id. Trial Court as and when they are directed to do so.
 - d. The Petitioners shall not contact any of the witnesses or create any impediment whatsoever in the trial.
6. If there is any violation of these bail conditions, the Respondent or the Complainant are permitted to seek modification of this order.
7. With these observations, both the petitions are disposed of. All pending applications are also disposed of.

PRATHIBA M. SINGH
JUDGE

NOVEMBER 26, 2020
MR/T