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

\+ BAIL APPLN. 2128/2020

SURAJ KUMAR BHARDWAJ @ SANJAY ..... Applicant

Through: Mr.Paramjeet, Advocate.

Versus

THE STATE (GOVT. OF NCT) .....Respondent

Through: Mr. Kamal Kumar Ghei, APP for State. Mr.Ravi Data & Mr.Vipin Singh, Advocates for complainant.

HON'BLE MS. JUSTICE ANU MALHOTRA

<u>O R D E R</u>

% **17.08.2020**

(hearing through Video Conferencing)

The applicant vide the present application seeks the grant of anticipatory bail in relation to FIR No.78/2020, PS Keshav Puram under Sections 406/420 of the Indian Penal Code, 1860 submitting *inter alia* to the effect and as was submitted on 10.08.2020 that the applicant was willing to deposit a sum of Rs.4,50,000/- out of the allegedly cheated amount of Rs.6,50,000/-.

Vide order dated 10.08.2020, the State was directed to submit a status report in relation to the aspect as to whether there were any other alleged persons who had been cheated, in as much as, the complainant is alleged to have been induced pursuant to an advertisement that had been published, whereafter, the contact was made to the applicant.

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Through the status report that was submitted on behalf of the State, it was submitted that the identity of the applicant was not established, in as much as, the applicant sought to call himself Suraj Kumar Bhardwaj @ Sanjay and that the Aadhaar Card of the applicant is in the name of Sanjay Kumar s/o Kalicharan, whereas, the memo of parties in the application reflects that the name of the applicant is Suraj Kumar Bhardwaj @ Sanjay s/o Kale Ram.

Furthermore, the State has also submitted through the status report that whereas, the Aadhaar Card of the applicant gives the address of the applicant being E-4/103/104, 3rd Floor, Sector 16, Rohini North, Delhi, the petitioner has himself given his address in the memo of parties as being H.No. A-46, Nahar Pur, Rohini, Delhi and as per the status report submitted by the State, the applicant was not found available at that address i.e. H.No. A-46, Nahar Pur, Rohini, Delhi.

Furthermore, the status report dated 10.08.2020 under the signature of Inspector Narender Kumar, PS Keshav Puram indicates to the effect that the office address of the applicant was also found to be closed and mobile numbers of the applicant were also found not activated, though, a sum of Rs.4,50,000/- was reflected to have been deposited into the account of the petitioner in relation to which a transaction took place between the petitioner and the complainant, which amount was withdrawn through ATM on daily basis in small amounts.

The applicant as per the status report is indicated to be a permanent resident of E-4/103/104, Sector 16, Rohini North, Delhi since 15 years. The State has further submitted that apart from the instant case, the applicant is also involved in other cases i.e. FIR No.39/2002, PS Sarai Rohilla under Section 420 of the Indian Penal Code, 1860 and FIR No.137/2014, PS South Rohini under Sections 420/34 of the Indian Penal Code, 1860 and it has thus, been submitted on behalf of the State that the

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applicant is a habitual offender and is continuously cheating persons and thus, the applicant would be required for further custodial interrogation to ascertain as to how many persons have been cheated.

In as much as, the instant case is based on an advertisement that had been published in the "*Times of India*" on 13.08.2019, pursuant to which the complainant is alleged to have been defrauded and it is also indicated through the status report that there were some other victims also who visited the PS Keshav Puram but they were not keen to go into litigations, apparently at this stage, this contention raised on behalf of the State that the applicant would be required for custodial interrogation cannot be overlooked.

In the circumstances, there is no ground whatsoever for the grant of anticipatory bail despite the contention raised on behalf of the applicant that the applicant is willing to deposit a sum of Rs.4,50,000/- which is the part of the allegedly cheated amount of Rs.6,50,000/-.

The application is thus declined.

ANU MALHOTRA, J

AUGUST 17, 2020
'neha chopra'

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