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

Date of Decision:- 13.03.2020

+ **Bail Appl. No. 2511/2019**

GAURAV MITTU

..... Petitioner

Through: Mr. Rakesh Chahar & Mr.
Rishabh Sharma, Advocates

versus

STATE

..... Respondent

Through: Mr. Tarang Srivastava,
Additional Public Prosecutor
for State with SI Anil Mr.
Shafiq Khan, Advocate with
Mr. Hukum Chand Rana,
Complainant in person.

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

J U D G M E N T

BRIJESH SETHI, J (ORAL)

1. Vide this order, I shall dispose of a bail application filed under Section 439 Cr.P.C. on behalf of the petitioner **Gaurav Mittu** in FIR no. 377/2017, u/S. 420 IPC, PS Kanjhawala.

2. Ld. Counsel for the petitioner has prayed for bail on the ground that petitioner is innocent and has been falsely implicated. Petitioner is in JC since 20.08.2019. It is submitted that the present FIR has been lodged to extort huge amount from the petitioner. It is further submitted that petitioner has no criminal antecedents and there are no chances of his absconding. It is, therefore, prayed that petitioner be released on bail.

3. Ld. APP for the State has opposed the bail application on the ground that the allegations against the petitioner are serious in nature. Petitioner has caused wrongful loss to the petitioner to the tune of Rs. 12,50,000/-for supply of CT Scan machine but neither supplied the same nor returned the paid money. He has, therefore prayed for dismissal of the bail application.

4. I have considered the rival submissions. As per prosecution version, complainant Sh. Hukam Chand Rana, Chairman of Savitri Hospital, Kanjhawala, Delhi made a complaint on 18.10.2017 alleging that on 25.05.2016, one Subhash Mittu along with his son Gaurav Mittu (petitioner) approached him and introduced petitioner as proprietor of M/S Medifield Equipment and supplier of medical

equipments to the hospitals. An agreement was executed between Dr. Naveen Rana (son of complainant) and petitioner for supply of Siemens 6 Slice Emotion Model/CT Scan Machine worth Rs. 55,00,000/- and payment of Rs. 12,50,000/- was made through cheque in the account of Medifield Account. It is further alleged that neither CT Scan machine were supplied nor payment was returned to the complainant. On 20.08.2019, petitioner was arrested and during interrogation, he disclosed that he is the proprietor of M/S Medifield Equipment. Bank account statement of Savitri Hospital Charitable trust and M/S Medifield Equipments were obtained. As per statements, on 08.07.2016, a cheque of Rs. 12,50,000/- was got cleared by the petitioner into his account but payment was not made to Siemens Company.

5. Thus perusal of record reveals that the petitioner has cheated the complainant and misappropriated the money taken from the son of the complainant for the purpose of supplying CT Scan Machine. Petitioner was earlier declared absconder also by the Ld. MM, Rohini Court before his arrest. In view of the above facts appearing on record which, prima facie show active involvement of

the petitioner in cheating the complainant to the tune of Rs. 12,50,000/-, no grounds for bail are made out at this stage. The bail application is, therefore, dismissed and stands disposed of accordingly.

BRIJESH SETHI, J

MARCH 13, 2020

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