

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

Date of decision: 30th APRIL, 2021

IN THE MATTER OF:

+ BAIL APPLN. 632/2021

MOHD. SAMEER

... Petitioner

Through Mr. Osama Suhail, Advocate

versus

STATE OF NCT OF DELHI

..... Respondent

Through Ms. KusumDhalla, APP for the State

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

SUBRAMONIUM PRASAD, J.

1. This petition under Section 439 Cr.P.C is for grant of regular bail to the petitioner in FIR No. 734/2020, dated 18.07.2020 registered at Police Station Ranhola, Delhi, for offences punishable under sections 420 and 120B IPC.

2. An FIR was registered on the complaint of one Ms. Ashma Khatoon on 18.07.2020, at Police Station Ranhola. In the FIR it is stated that the complainant was preparing for competitive examination for securing a Government job but could not succeed. It is stated that one Akbar Khan, who is the relative of the complainant, told the complainant that petitioner herein has good contacts with powerful politicians and that they would be able to get a Government Job for her without taking any examination. It is

stated in the complaint that Akbar Khan, told the complainant that certain Government jobs are reserved for Ministers. The complainant was asked to pay a sum of Rs.12 Lakhs. It is stated that to pay a sum of Rs.12 Lakhs, the complainant took a personal Loan of Rs. 5 Lakhs from Axis Bank another loan of Rs. 5 Lakhs was taken against property papers of her residence and remaining Rs. 2 Lakhs was taken as friendly loan from her relatives. It is stated that out of the said amount of Rs.12 Lakhs, the complainant transferred a sum of Rs. 6 Lakhs in the account of co-accused Akbar Khan through NEFT, another sum of Rs. 3 Lakhs was transferred from the account of her sister to the account of the petitioner herein and another sum of Rs. 3 Lakhs was given to the petitioner herein in cash. The complainant states that she has been duped by the petitioner. After the FIR was lodged, the petitioner was arrested on 24.12.2020. The petitioner filed an application for grant of bail, being Bail Application No.57/2021, before the Sessions Court. The learned Additional Session Judge-09, Tis Hazari Courts, vide order dated 08.01.2021 rejected the said bail application. Consequent to the dismissal of the said bail application the petitioner has filed the instant bail application.

3. Heard Mr. Osama Suhail, learned counsel appearing for the petitioner and Ms. Kusum Dhalla, learned APP appearing for the State and perused the material on record.

4. Mr. Osama Suhail, learned counsel for the petitioner states that the petitioner is in custody from 24.12.2020. He states that the investigation is

over and the charge-sheet has been filed. He states that the allegations against the petitioner are under Sections 420 read with 120B IPC. The evidence is primarily documentary in nature. He would state that it will take a lot of time for the trial to get over and in the present circumstances and due to the outbreak of COVID-19 pandemic the petitioner deserves to be released on bail.

5. *Per contra*, Ms. Kusum Dhalla, learned APP for the State would contend that the petitioner had duped the complainant and that a sum of Rs.6 lakhs has been given to the petitioner by the complainant and that amount is yet to be recovered. It is stated that the complainant is taking undue advantage of the fact that he knows certain Ministers and that if released on bail he will dupe other innocent people also.

6. Taking into the facts and circumstances of this case and considering the fact that the petitioner is in custody since 24.12.2020 and that the charge-sheet has been filed on 22.02.2021 and also considering the fact that the evidence in this case is primarily documentary in nature, this Court is inclined to grant bail to the petitioner on the following conditions:

- a) The petitioner shall deposit a sum of Rs. 3.0 Lakhs on or before 3rd May, 2021 with the Trial Court.
- b) The petitioner shall furnish a personal bond in the sum of Rs.30,000/- with two sureties of the like amount out of which one of them should be the relative of the petitioner and the other surety being a local surety to the satisfaction of the Trial Court.

- c) The petitioner shall deposit a further sum of Rs.1 lakh with the Trial Court on or before 2nd June, 2021 after being released on bail.
- d) The petitioner is directed to give all his mobile numbers to the Investigating Officer and keep them operational at all times.
- e) The petitioner shall give his address to the IO and if he changes the address he shall intimate the same to the IO.
- f) The petitioner is directed to attend all the hearings.
- g) The petitioner shall not, directly or indirectly, contact the complainant. In case any complaint is received from the complainant that the petitioner is trying to put pressure on her or has tried to contact her directly or indirectly the bail granted by this Court shall stand cancelled.

6. It is made clear and needless to state that the observations made in this order are only for the purpose of grant of bail and not on the merits of the case.

7. Accordingly, the bail application is disposed of with the above observations.

SUBRAMONIUM PRASAD, J.

APRIL 30, 2021

Rahul