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

% ***Reserved on: September 21, 2023***

Date of decision: October 04, 2023

+ **BAIL APPLN. 2814/2023 & CRL.M.A. 22676/2023**

PIYUSH TIWARI

..... Petitioner

**Through: Mr. Anurag Kumar,
Advocate.**

V

STATE NCT OF DELHI

..... Respondent

**Through: Mr. Utkarsh, APP for State
with SI Manoj Tomar and SI
Kavita, P.S. Mayur Vihar,
Phase-1.**

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HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

JUDGMENT

1. The petitioner filed the present application for grant of interim bail under section 439 read with section 482 Cr.P.C in FIR bearing no. 0197/2018 registered under section 420 IPC at P.S. Mayur Vihar, Phase-1.



2. It is stated in the application that the petitioner is aged about 43 years and is not a habitual offender. The petitioner has been granted interim bail in seven identical FIRs vide order dated 07.03.2023 and was granted regular bail vide order dated 10.03.2023 in FIR bearing no. 0007/2017 lodged at P.S. EOW, FIR bearing no.0307/2017 lodged at P.S Krishna Nagar and FIR bearing no. 0292/2016 lodged at P.S. Anand Vihar. The petitioner is the sole caretaker of his mother besides being the only earning member in the family. The mother of the petitioner requires urgent medical surgery. The petitioner has already been separated from his wife and the married sister of the petitioner stays in Lucknow, as such, it is not possible for her to travel back and forth to Delhi to take the mother of the petitioner to the hospital. It is prayed that the petitioner be admitted on interim bail for a period of 30 days so that the petitioner can facilitate/arrange for the surgery of his mother.

3. The Additional Public Prosecutor for the respondent/State stated that the present FIR was got registered on the basis of complaint made by Arun Jain and multiple FIRs have been registered against the petitioner and the company and the petitioner was found



indulging in cheating amounting to almost Rs.1000 crores on the pretext of giving flats in Shubhkamna City and Shubhkamna Homes. The petitioner was formally arrested on 29.06.2022 in the present case. The charge sheet has already been filed and supplementary charge sheet is also proposed to be filed in the present case. The petitioner was declared a proclaimed offender in other cases and was arrested from Nasik, Maharashtra. There is every apprehension that the petitioner may abscond and may evade the trial in the cases in which he is involved. The medical documents pertaining to the mother of the petitioner have been verified and as per the report received from Neuberg Diagnostics, the mother of the petitioner has visited the said centre on 09.07.2023 and was having problems related to liver enzymes as per the verification report. However, no date is fixed for the operation and treatment of the mother of the petitioner. The petitioner is also having two sisters who are married and were found to be present at the house of the petitioner on 19.09.2023. The statement of the sister of the petitioner namely Shraddha Tiwari was also recorded wherein, she stated that she keeps coming to take care of her ailing mother from her in-laws house



situated in Lucknow and a maid was also found there who takes care of the mother of the petitioner in her absence. It is mentioned that the bail application is accordingly opposed.

4. The counsel for the petitioner argued that the mother of the petitioner needs urgent medical attention. The FIR bearing no. 0164/2017 registered at P.S. Vikas Puri has already been quashed vide order dated 20.09.2022 in criminal MC bearing no. 4984/2019 passed by this court. The counsel for the petitioner also referred various orders whereby the petitioner was granted regular bail/interim bail in different FIRs and prayed that the interim bail be granted.

5. The petitioner is found to be involved in multiple FIRs and is alleged to be the accused involved in allegations of cheating amounting to almost Rs.1000 crores. The petitioner was stated to avoid the investigation for 04 years and was declared a proclaimed offender in different FIRs. The petitioner was arrested from Nasik, Maharashtra. The family of the petitioner comprises two sisters who are capable of taking care of the mother of the petitioner.



6. Keeping in view the totality of the circumstances, no ground for grant of bail is made out. Hence, the bail application is dismissed.

DR. SUDHIR KUMAR JAIN
(JUDGE)

OCTOBER 04, 2023
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