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

+ BAIL APPLN. 3761/2022, CRL.M.A. 26464/2022, CRL.M.(BAIL)
352/2023, CRL.M.A. 2490/2023

MUDIT CHAWLA @ MOHIT @ ANCHIT Petitioner

Through: Mr.Tarun Khanna and Mr.Abhas
Mishra, Advocates

versus

THE STATE NCT OF DELHI

..... Respondent

Through: Mr.Raghvinder Verma, APP for the
State.
SI Vishwa Sharma, PS Ashok Vihar.

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Date of Decision: 18.04.2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. Briefly stated, the case of the prosecution is that the petitioner has cheated the complainant for a sum of Rs.12,41,370/-. It is also the case of the prosecution that the petitioner is involved in similar cases, which read as under:

1. Case FIR No. 463/13 U/S 420/34 IPC, PS Vasant Vihar, Delhi.

*2. Case FIR No. 281/2016 u/s 419/420/468/471/484/506 IPC, PS
Dwarka, South, Delhi.*

3. Case FIR No. 478/2013 u/s 420 IPC, PS Hauz Khas, Delhi.

4. Case FIR No. 142/20 U/s 420/406 IPC, PS Najafgarh, Delhi.

5. Case FIR No. 333/20 U/s 420 IPC, PS North Rohini, Delhi.

2. Learned APP has submitted that the petitioner met the complainant through shaadi.com and misrepresented and cheated her and also stated himself to be posted as Security in Chief in the Prime Minister's office. Learned APP has further submitted that the petitioner is a habitual offender and thus and he may not be admitted to bail. It has further been submitted that the earlier bail application of the petitioner was dismissed by a Co-ordinate Bench of this court on 16.09.2021.
3. Per contra, learned counsel for the petitioner submits that petitioner is in custody in this case since 24.07.2020. Learned counsel submits that charge-sheet has been filed, charges have already been framed and the matter is pending trial. Learned counsel submits that the trial may take a long time. During the course of submissions, learned counsel for the petitioner undertakes that the petitioner shall deposit Rs.5,00,000/- (Rupees Five Lakhs) with the learned trial court by way of demand draft in the name of the complainant before furnishing the bail bond and he shall also deposit remaining Rs.5,00,000/- (Rupees Five Lakhs) by way of demand draft in the name of the complainant within three months after being released on bail. Learned counsel for the petitioner submits that in case the petitioner fails to deposit Rs.5 lakhs, he shall not furnish the bail bond and in case, he fails to deposit the remaining Rs.5 lakhs within three months after being released on bail, his bail may be canceled. However, learned counsel for the petitioner submits that he may be permitted to deposit the said amount without prejudice to the rights and contentions of the petitioner that he has not cheated the complainant in any manner which may be raised during the trial.

4. Learned counsel for the petitioner has also relied upon the judgment of this court in '*Ashok Kumar Dua Versus the State (GNCT of Delhi)*' Bail App No.1753/2015 dated 16.02.2016 and judgment of the Supreme Court in '*Lalit Narayan Mishra Versus The State of Madhya Pradesh*' SLP (Crl) No.5096/2021 dated 04.06.2021.
5. I have considered the submissions.
6. The petitioner is in custody in the case since 24.07.2020. Even as per the case of the prosecution the net cheated amount is of Rs.12,41,370/-. Learned counsel for the petitioner has undertaken to deposit Rs.10 lakhs in two instalments with the trial court. It is a matter of fact that the charge-sheet has already been filed. The petitioner is reported to be in custody since 24.07.2020 and thus has suffered incarceration for more than 2 years. The trial may take a long time.
7. In the circumstances, the petitioner is admitted to bail on his furnishing bail bond in the sum of Rs.50,000/- with two sureties of the like amount to the satisfaction of the learned trial court, subject to the following conditions:
 - (i) The petitioner shall deposit a demand draft in the sum of Rs.5,00,000/- (Rupees Five Lakhs) in the name of the complainant in the trial court before furnishing the bail bond. The bail bond shall be furnished and accepted only after deposit of demand draft in the sum of rupees Five Lakhs by the petitioner.
 - (ii) The petitioner shall deposit a further demand draft in the sum of Rs.5,00,000 (Rupees Five Lakhs) in the name of the complainant before the trial court within three months of his release on bail.

- (iii) The deposit of the said amount of Rs.10 lakhs shall be without prejudice to rights and contentions of the petitioner, which can be raised during the trial.
 - (iv) The learned trial court may consider releasing of this amount to the complainant on furnishing of an indemnity bond by her that in case, it is found that the petitioner has not cheated her, the amount shall be refunded back to the petitioner.
 - (v) The petitioner shall inform the investigation officer in case of change of his address.
 - (vi) The petitioner shall surrender his passport before the learned trial court and shall not travel abroad without the permission of the trial court.
 - (vii) The petitioner shall remain available on his mobile phone, which he undertakes to keep operational during the pendency of the petition.
 - (viii) The petitioner shall regularly attend the trial.
8. With the above directions, the petition along with the pending applications stands disposed of.
9. Copy of the order be sent to the concerned Jail Superintendent for information and compliance.

DINESH KUMAR SHARMA, J

APRIL 18, 2023

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