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

+ **BAIL APPLN. 130/2024**

SUJIT KUMAR GAUTAM

..... Petitioner

Through: Mr. S.Azad and Ms. Aprajita Sharma,
Advs.

Versus

STATE GOVT. OF NCT OF DELHI)

..... Respondent

Through: Mr. Raghuvinder Verma, APP for
State with Insp. ShriChand, PS.
Timarpur.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
29.01.2024

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1. The present petition has been filed under Section 439 Cr.P.C. seeking regular bail in connection with FIR No.145/2022 under Sections 420/467/468/471/120B IPC registered at Police Station Timarpur.
2. The case of the prosecution is that the accused nos.1 to 4 used to visit the Hotel of the complainant and developed a friendly relationship with him. In 2017, one of the accused disclosed to the complainant that he is Vice President of FCI Karnataka State and have links with the higher officers in FCI and the Central Government and they are in a position to arrange contracts and jobs.
3. On the allurement of the said accused persons, the complainant had



made various payments to them totalling of Rs. 1.25 crores. Later the complainant found out that the accused persons are playing fraud with him, which led to the registration of aforesaid FIR.

4. The learned counsel for the petitioner submits that the petitioner was not named in FIR and there is no allegation against the present petitioner that he had allured the complainant. The only allegation against the present petitioner is that he has been named by the accused no.4 as a person, who was also involved in preparing the forged documents of FCI etc. but no recovery of any such documents has been made from him.

5. He submits that the amount of Rs. 9 lacs which the petitioner has received from accused no.4 namely, Mukesh was only by way of loan advanced to him by the said co-accused and he is not involved in the alleged offence in any manner. Further, the amount received by him is still lying in his bank account which has already been frozen by the Investigating Agency.

6. It is also contended that the petitioner has clean antecedents. Accordingly, it is urged that the petitioner may be enlarged on bail.

7. *Per contra*, the learned APP for the State has argued on the lines of the Status Report, which has been handed over in the Court and is taken on record.

8. A perusal of the FIR shows that the petitioner has not been named by the complainant in the FIR and his name only surfaced during investigation on the basis of the disclosure statement of accused no.4 namely, Mukesh.

9. It is also not in dispute that no recovery of any alleged forged document has been made from the present accused.

10. On a query posed by the Court, the learned APP, on instructions from



the I.O, who is present in Court, fairly states that the account of the petitioner in which an amount of Rs. 9 lacs was received from co-accused Mukesh, has already been frozen.

11. The learned APP on a further query put by the Court, fairly states that the petitioner does not have any criminal record.

12. The petitioner is in custody since 02.11.2023 and his custody is no more required as the supplementary chargesheet stands filed. In the facts and circumstances of the present case, no useful purpose will be served in keeping the petitioner in custody to await the outcome of trial, which is likely to take long time.

13. In so far as apprehension expressed by the State that the petitioner may jump the bail, the same can be allayed by imposing appropriate conditions.

14. Considering the aforesaid facts and circumstances of the case, I am of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is enlarged on bail subject to his furnishing a Personal Bond in the sum of Rs. 25,000/- and one Surety Bond of the like amount to the satisfaction of the Trial Court/CMM/Duty Magistrate, further subject to the following conditions:-

- a) Petitioner shall not leave the Delhi/NCR without prior permission of the Court.
- b) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- c) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change



the mobile number without prior intimation to the Investigating Officer concerned.

d) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.

15. The petition stands disposed of.

16. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.

17. Order *dasti* under signatures of the Court Master.

18. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

JANUARY 29, 2024/dss