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

+ **BAIL APPLN. 359/2023, CRL.M.(BAIL) 166/2023,**  
**CRL.M.A. 198/2024 & CRL.M.A. 2910/2023**

MANIK KASHYAP ..... Applicant  
Through: Mr. Manan Batra, Adv.  
through V.C. and Mr.  
Varun Tyagi, Adv.

versus

STATE GOVT. OF NCT OF DELHI ..... Respondent  
Through: Mr. Mukesh Kumar, APP  
for the State along with  
Adv. Sonia Gupta and  
Adv. Anupam Pandey.  
SI Manoj Kumar, PS  
Dwarka.

+ **BAIL APPLN. 451/2023, CRL.M.(BAIL) 200/2023,**  
**CRL.M.A. 9743/2024 & CRL.M.A. 9744/2024**

ANKIT BANSAL ..... Applicant  
Through: Adv. Mukesh Kumar,  
Adv. Madhup Kumar  
Tiwari, Adv. Rajesh  
Kumar & Adv. Adarsh  
Kumar Pandey.

versus

STATE GOVT. OF NCT OF DELHI ..... Respondent  
Through: Mr. Mukesh Kumar, APP  
for the State along with  
Adv. Sonia Gupta and  
Adv. Anupam Pandey.  
SI Manoj Kumar, PS  
Dwarka.

**CORAM:**  
**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**ORDER**

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**07.05.2024**

1. The present applications are filed under Section 438 of the  
Code of Criminal Procedure, 1973 ('CrPC') seeking pre-arrest



bail in FIR No. 648/2022, dated 17.12.2022 registered at Police Station Dwarka South for offences punishable under Sections 420/468/120B/34 of the Indian Penal Code, 1860.

2. The FIR was registered on a complaint made by the complainant namely, B.B Gupta, who alleged that the applicants along with other co-accused hatched a criminal conspiracy and have cheated the complainant, for a sum of approximately ₹2 Crores, by making false representations and forging documents.

3. It is stated that in the month of August, 2019 the applicant–Manik Kashyap, introduced himself as a owner of 12 examination centres throughout Delhi and in order to expand his business he wanted to use the large space available with the complainant at the Centre for Civil Aviation Training. It is alleged that the applicant–Manik Kashyap lured the Complainant into an agreement by promising him a return of ₹25,00,000/- per month. It is alleged that the applicant–Manik Kashyap started using the space owned by the complainant's, without his consent and without there being any official agreement.

4. It is alleged that the applicant–Manik Kashyap got few work orders on the basis of forged invoices by using the name and address of the complainants institution without his consent. The applicant– Ankit Bansal is alleged to have prepared the forged documents on the basis of which the accused got the work orders.

5. It is also alleged that the Complainant after the lapse of one year entered into an agreement with the accused on the promise that he will receive 50% share in the company of the applicant– Manik Kashyap and on the said pretext the applicant– Manik Kashyap took ₹ 2 Crores and 8 lakhs from the complainant.



6. It is not disputed that the chargesheet in the present case has already been filed under Section 420 of the IPC. The police did not feel the need for custodial interrogation and has since completed the investigation.

7. The Hon'ble Apex Court in the case of ***Mohd. Asfak Alam v. State of Jharkhand* : (2023) 8 SCC 632** has observed as under:

*“15. What appears from the record is that the appellant cooperated with the investigation both before 8-8-2022, when no protection was granted to him and after 8-8-2022, when he enjoyed protection till the filing of the charge-sheet and the cognizance thereof on 1-10-2022. Thus, once the charge-sheet was filed and there was no impediment, at least on the part of the accused, the court having regard to the nature of the offences, the allegations and the maximum sentence of the offences they were likely to carry, ought to have granted the bail as a matter of course. However, the court did not do so but mechanically rejected and, virtually, to rub salt in the wound directed the appellant to surrender and seek regular bail before the trial court. Therefore, in the opinion of this Court, the High Court fell into error in adopting such a casual approach.*

*16. The impugned order of rejecting the bail and directing the appellant, to surrender and later seek bail, therefore, cannot stand, and is hereby set aside. Before parting, the Court would direct all the courts seized of proceedings to strictly follow the law laid down in Arnesh Kumar [Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273 : (2014) 3 SCC (Cri) 449 : (2014) 8 SCR 128] and reiterate the directions contained thereunder, as well as other directions.”*

8. In view of the above, the applicants are admitted on bail on furnishing a personal bond for a sum of ₹50,000/- each with two sureties of the like amount each, subject to the satisfaction of the learned Trial Court, on the following conditions:



- a. The applicants shall join and cooperate with the investigation, if required, as and when directed by the IO;
- b. The applicants shall not leave the Country without the prior permission of the learned Trial Court;
- c. The applicants shall not contact the complainant / witnesses or tamper with the evidence in any manner;
- d. The applicants shall appear before the learned Trial Court on every date of hearing.

9. The present bail applications are allowed in the aforesaid terms.

10. It is clarified that the observations made in the present order are only for the purpose of considering the bail applications and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

11. A copy of this order be placed in both the matters.

**AMIT MAHAJAN, J**

**MAY 7, 2024**

**“SK”**