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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 339/2022

UMESH SHARMA

..... Petitioner

Through: Mr. Vishal Soni, Advocate (through
VC).

versus

THE STATE THR. GNCT OF DELHI

..... Respondent

Through: Mr. Amit Ahlawat, APP for State.
SI Ghanshyam, PS Wazirabad.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

12.02.2024

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1. The present application under Section 438 of the CrPC seeks anticipatory bail in case FIR No. 38/2019 under Sections 420/34 of the IPC registered at PS Wazirabad.
2. The case of the prosecution, as per the status report dated 02.02.2022 authored by Inspector Bhaskar Sharma, SHO, PS Wazirabad, is as under:

“Most Respectfully, it is submitted that above mentioned FIR was registered on the complaint of 156 (3) Cr.P.C. of Deepak Kumar S/o Sh. Madan Singh R/o E-89/1, Rama Vihar, New Delhi-81, wherein he alleged that accused persons namely (1) Smt. Asha Sharma (2) Nand Kishore Sharma (3) Smt. Poonam Sharma and (4) Sh. Umesh Sharma are well known to him and have cheated and caused wrongful loss to him for Rs.9,70,000/-. In the month of January, 2017, the Complainant deposited Rs.3,00,000/- initially on



the assurance that the money will be returned with high interest and in continuation of the same, the Complainant again deposited Rs.2,50,000/- in the month of June, 2017 and also invested Rs.4,20,000/- in 3 committee with the accused persons and the installment of aforesaid committee was Rs.20,000/- p.m. out of which the Complainant had paid 7 installments, total amounting of Rs.4,20,000/- in committees. When the Complainant approached the accused party on 25.12.2017, the co-accused Poonam Sharma kept on delaying the same on one pretext to another and promised to give the money latest by 25.01.2018. When, he again went to Smt. Asha Sharma house and claimed his money, Smt. Asha Shai*ma told to contact the present Applicant/Accused i.e. his son Umesh Sharma and his wife Poonam Sharma for his money, as she did not know anything about his money and she stated that she did not know about the whereabouts of Poonam and her husband. Complainant tried many times on their mobile phones and when he again visited to Smt. Asha Sharma's house, he found that all mentioned accused person absconding from their house without disclosing their whereabouts. Later, it came to know that following accused persons have also defrauded and cheated other person including Komal Kamal, Kawaljeet Singh Maggo, Sujata, Meena Etc. including him and in this regard FIR No.81/2019 and 131/2019 were also registered at PS Wazirabad, Delhi.”

3. Learned counsel for the applicant submits that the latter was granted interim protection *vide* order dated 31.01.2022, pursuant to which he joined the investigation as and when called by the Investigating Officer. It is submitted that the investigation is now complete and the chargesheet stands filed before the Court of competent jurisdiction. Learned counsel for the applicant further submits that the latter shall abide by any terms and conditions for anticipatory bail deemed fit and proper by this Court in the facts and circumstances of the case.

4. Learned APP for the State, on instructions of the Investigating Officer, submits that the investigation in the present case is complete, the chargesheet has been filed before the Court of competent jurisdiction and the



applicant has been chargesheeted without arrest.

5. Heard learned counsel for the parties and perused the record.

6. Pursuant to the interim protection granted by this Court, the applicant had joined investigation. The investigation now stands complete and the chargesheet has been filed before the Court of competent jurisdiction.

7. In totality of the facts and circumstances of the case, the present application is allowed. In the event of his arrest, the applicant is directed to be released on anticipatory bail on his furnishing a personal bond in the sum of Rs. 50,000/- alongwith two sureties of the like amount subject to the satisfaction of the learned Trial Court/Link Court, further subject to the following conditions:

i. The applicant shall not leave the country without prior permission of the learned Trial Court.

ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.

iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.

iv. The applicant shall join investigation as and when called by the Investigating Officer concerned.

v. The applicant will not try to influence the witnesses in any manner.

vi. The applicant shall provide his mobile number to the Investigating Officer and intimate about any change.

8. The application is allowed and disposed of accordingly.

9. Pending applications, if any, also stand disposed of.

10. Needless to state that nothing stated hereinabove is an opinion on the



merits of the case.

11. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

FEBRUARY 12, 2024/sn