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

+ **BAIL APPLN. 659/2024**

AJIT

..... Petitioner

Through: Mr. Anil Kumar Thakur, Ms.Kirti
Birua and Mr.Arpit Mittal,
Advocates.

versus

STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Laksh Khanna, APP for State
with SI Rajiv Ranjan PS Mayapuri,
Delhi.
Mr.Nishant Datta and Mr. Riadeep
Bhardwaj, Advocates for
complainant.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **12.03.2024**

1. By way of present application filed under Section 438 Cr.P.C, the petitioner/applicant seeks anticipatory bail in FIR No.83/2023 registered under Sections 420/467/468/471/472/120B IPC at P.S. Mayapuri, Delhi.
2. Learned counsel for the applicant states that the applicant has been falsely implicated in the present case and that a reading of the allegations in the FIR would show that the dispute is civil in nature. He further states that the alleged money transactions, vide which the amount was transferred to the account of the applicant, have taken place at the behest of the co-accused persons and that the said amount has already been transferred further as per the directions of the co-accused persons. Lastly, it is submitted that the



complainant has already availed of his remedy under civil law by approaching this Court vide civil suit being CS(OS) No. 39/2023, which is pending adjudication.

3. Mr. Laksh Khanna, APP for State duly assisted by learned counsel for the complainant has opposed the bail application. It is stated that while the complainant being the owner of property bearing WZ-315A, Lajwanti Garden, New Delhi, came into contact with the accused persons, known to him as property dealers/brokers, and during the interaction, they offered to help the complainant purchase property bearing number G-34, Green Park, New Delhi and also to facilitate the sale of his property at WZ-315A, Lajwanti Garden, New Delhi. Learned APP further submits that prior to receiving the amount of Rs.70 lacs in the month of November-December, 2022 from the complainant with respect to the purchase of the subject property, the applicant had already sold the Green Park property to one M/s Rubel Florist Pvt. Ltd. vide sale deed dated 16.09.2022 and thus despite not being the owner of the property, the applicant alongwith co-accused persons purported to sell the said property to the complainant. During the investigation, it has surfaced that the applicant, as a part of his modus operandi, has sold the said property to other persons for which an FIR bearing No.122/2020 has been registered at PS Safdarjung, New Delhi. It is further stated that the applicant has attempted to mislead the court inasmuch as the address given by him in the application, on verification, is found to have been unoccupied for the last 7 years.

4. I have heard learned counsels for the parties. The investigation has revealed that the present applicant is the owner of the aforesaid property as per the GPA. In his complaint, the complainant has specifically alleged that



the applicant had agreed to sell the subject property to the complainant. On a prima facie consideration of the facts and circumstances of the present case, this Court is of the opinion that the applicant was involved in the conspiracy to cheat the complainant inasmuch he received the amount in his account and further transferred the same. In addition, the pendency of another FIR regarding the very same property against the applicant is also indicative of the applicant's involvement.

5. For all of the aforesaid reasons and the fact that custodial interrogation of the applicant is necessary, I find no ground to entertain the present application for anticipatory bail and the same is accordingly dismissed.

MANOJ KUMAR OHRI, J

MARCH 12, 2024/rd