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

\+ BAIL APPLN. 816/2023

P.P. RAVEENDRAN ..... Applicant

Through: Mr.C.M.Grover, Ms.Payal, Advs.

versus

STATE OF NCT OF DELHI AND ANR ..... Respondents

Through: Mr.Aman Usman, APP with SI Kuldeep.
Ms.Sahiba Singh, Adv. for the complainant.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

O R D E R

% **05.03.2024**

1. This application has been filed under Section 438 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.'), praying for grant of Anticipatory Bail to the Applicant in FIR No.409/2022 registered with Police Station: Model Town, North-West District, Delhi under Sections 406/420/511 of the IPC.

2. The above FIR has been registered on a complaint made, and pursuant to the Order dated 08.04.2022 passed by the learned Metropolitan Magistrate-03, North District, Rohini Courts, Delhi in Complaint Case no.208/2022 titled ***Manish Agarwal v. P.P.Raveendran & Ors***., directing the SHO, Police Station: Model Town, Delhi to initiate the investigation into the complaint made by the complainant, that is, Sh. Manish Agarwal,

by formally registering an FIR.

3. In the complaint, the complainant, in brief, alleges that the complainant was approached by the Applicant herein claiming that he had close connections/contacts and direct links with renowned public servants like some IAS and IRS Officers, Commissioners, Director of Education as also other officers, and offered the complainant for securing admission for his son in a renowned public school. He asked for a donation of Rs.12 lacs apart from other expenses in advance. The complainant further stated that as the complainant was not willing to part with the said money in advance, the Applicant advised him to give him a blank post-dated cheque as a security. The complainant further alleges that based on the above assurances and representations, the complainant handed over a cheque drawn on HDFC Bank, Gujranwala Town Part-I, Ring Road, Delhi- 110009 as a security. The complainant alleges that the Applicant could not secure the admission of his son in the said school. When the complainant asked for the return of his cheque, the Applicant made excuses for the non-return of the same. It is stated that the Applicant thereafter, presented the said cheque at Chennai and then started threatening the complainant that he shall file a false case against the complainant in case the complainant makes a complaint of the fraudulent acts of the Applicant.

4. The learned counsel for the Applicant submits that the complainant had approached the Applicant in the month of June 2021 seeking financial help of Rs.12 lacs to pay as a debt. He

submits that based on the assurances, the amount was given to the complainant with a promise that the same shall be returned after six months. He submits that in the discharge of the said liability, the complainant had also issued the subject cheque to the Applicant. He submits that the complainant also filed a complaint before the Police Station: Bharat Nagar, Delhi making similar allegations, however, on the said complaint, an FIR was not registered. He submits that FIR was not registered even at the Police Station: Model Town, Delhi, where the complainant later approached. He submits that the complainant also filed a Civil Suit seeking an injunction against the Applicant from presenting the said cheque for encashment, however, the same was later withdrawn by the complainant. The learned counsel for the Applicant submits that in the above manner, a civil dispute is being given colour of a criminal offence and the complaint filed by the complainant is totally *malafide*.

5. Placing reliance on the judgment of the Supreme Court in ***Arnesh Kumar v. State of Bihar & Anr.*** (2014) 8 SCC 273, he submits that even otherwise, the complainant cannot be arrested as notice under Section 41A of the Cr.P.C. has not been issued by the IO within a period of two weeks.

6. On the other hand, the learned counsel for the complainant, as recorded in the Order dated 19.01.2024, submits that the Applicant, by adopting similar methodology, has cheated many other persons as well. He submits that other persons have also filed similar complaints against the applicant. He submits that the

applicant in turn misuses the cheques obtained from persons like the complainant and presents the same at Kerala/Chennai and thereafter files complaints under Section 138 of the NI Act there, so as to harass the Complainants.

7. The learned counsel for the complainant also draws the attention of this Court to certain alleged WhatsApp messages received by the complainant from the Applicant threatening her of involving her in frivolous criminal cases.

8. The learned APP also draws my attention to the Order dated 28.02.2024 passed by a Co-ordinate Bench of this Court in Bail Appln. no.2625/2023 filed by the Applicant, wherein in an FIR raising similar allegations, this Court, on considering the same, has rejected the application of the Applicant seeking grant of Anticipatory Bail.

9. The learned APP further points out that notice under Section 41A of the Cr.P.C. has been issued to the Applicant on 13.01.2023, 23.03.2023, 30.01.2024 and 02.03.2024, through WhatsApp, which were duly acknowledged by the Applicant, however, the Applicant chose not to appear.

10. I have considered the submissions made by the learned counsels for the parties.

11. I could do no better but to reproduce the observations made by the Co-ordinate Bench of this Court in the Order dated 28.02.2024 referred hereinabove, wherein almost on a similar and identical complaint, the Co-ordinate Bench has rejected the

prayer of the Applicant for grant of Anticipatory Bail, by observing as under:

> *"It cannot be overlooked that Several FIRs stand lodged against the petitioner by unconnected complaints, which elucidate similar modus operandi with fraudulent or dishonest intention, to deceive the complainants to deliver the cheques, on assurance of securing admission for their children in reputed schools in Delhi. Further, as a well thought out plan, petitioner deposited the cheques in bank accounts and initiated proceedings under Section 138 NI Act at Kerala on dishonor of cheque and FIRs appear to have been got lodged against the complainants, through associates to pressurize them to enter into a compromise/settlement. It is crucial to underscore that no substantive documents have been produced before the Investigating Agency by the petitioner to prove that the cheques were given against any loan. In case the petitioner was a bonafide holder of cheques in due course, nothing prevented him to join the investigation with the relevant documents showing that the cheques had been extended against any bonafide transactions / loans.*
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> *The contention raised on behalf of the petitioner that dispute is merely civil in nature, does not appear to be convincing in the light of facts brought on record. The improprieties and recoveries can be further looked into during investigation by the investigating agency.*
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> *Considering the gravity of offence, nature of allegations and evidence on record, custodial interrogation of the petitioner is imperative. In view of above, no grounds for anticipatory bail are made out. Application is accordingly dismissed. Pending applications, if any, also stand disposed of."*

12. In view of the above, I do not find any merit in the contentions of the learned counsel for the Applicant. The bail application is, accordingly, dismissed.

NAVIN CHAWLA, J

MARCH 5, 2024
RN/AS

Click here to check corrigendum, if any