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

+ **BAIL APPLN. 719/2024**

INDRANIL CHOUDHURY

..... Petitioner

Through: Mr. Anirudha Bhattacharya, Mr.
Arnab Roy and Mr. Himanshu Sehrawat, Advs.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Aashneet Singh, APP for State

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

15.03.2024

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1. By way of the present application filed under Section 438 Cr.P.C., the petitioner/applicant seeks anticipatory bail in FIR No.104/2022 registered under section 420 IPC at P.S. EOW.
2. Learned counsel for the applicant states that the applicant is a victim himself inasmuch as he alongwith his colleagues had intended to form a cooperative for the benefit of all co-workers, by way of purchasing various lands for construction of residential accommodation and commercial shops. In this regard, an approximate amount of Rs.1,81,00,000/- was received and the same was given as token/*bayaana* amount towards purchase of various land parcels, the details of which have been placed on record in the W.P.(CrI.) 346/2022 filed by the applicant. He further submits that multiple Agreements to Sell were executed with the alleged land owners pertaining to the lands situated at Nizamuddin, Chhattarpur and Hisar. It is further stated



that it was the applicant's driver namely *Kulbhushan Nakul*, who had introduced the applicant to these individuals stating them to be land owners/agents. He has claimed that the said Agreements to Sell and other relevant records were stolen from his car, in an incident that took place in October, 2021. In this regard, a complaint came to be filed on 30.11.2021 with the concerned police authority, however, no FIR came to be registered in this regard and resultantly, the applicant filed an application under Section 156(3) Cr.P.C. before the learned M.M.

3. The application is vehemently opposed by learned APP for the State, and while referring to the contents of the FIR, contends that the applicant had induced his 26 colleagues to invest with him against which he had promised return @ 1% per hundred. He, on instructions, further informs that the applicant is not appearing in his application filed under Section 156(3). It has also been informed that the applicant has already fled from the jurisdiction of this Court. He further submits that custodial interrogation of the applicant is required for proper investigation of the case.

4. I have heard learned counsels for the parties and also perused the documents on record. The applicant's case is that as per an oral understanding, the applicant alongwith his colleagues decided to form a cooperative, intending to invest money for the purpose of purchasing land for construction of residential accommodation and commercial shops. On a specific query as to whether this oral understanding was ever reduced in writing, the same has been answered in the negative.

5. Although as per the said alleged understanding, the applicant had paid token/*bayaana* amounts to the individuals alleged to be the owners of the land situated at above-mentioned three places, however, as per the



allegations levelled in the FIR, the applicant, in the name of promised return @ 1% per 100, induced his colleagues to invest amount to the tune of approximately Rs.1,81,00,000/-.

Apparently, the said amount has been subsequently used by the applicant for his personal gain/purposes inasmuch the said amount was either withdrawn from ATM or transferred to some other bank accounts. Further, none of the victims, who have been examined, have stated as to whether any cooperative was intended to be formed between them and the applicant.

6. Considering the entire factual matrix as stated above, especially the fact that the applicant and victims are known to each other, inasmuch as they are colleagues, and the fact that the incident involves cheating/fraud to the tune of Rs.1,81,00,000/- as also the fact that custodial interrogation of the applicant would be required, I find no ground to entertain the present application.

7. Consequently, the bail application is dismissed.

MANOJ KUMAR OHRI, J

MARCH 15, 2024/ns