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

+ **BAIL APPLN. 793/2024, CRL.M.A. 7005/2024**

SHYAM SHARMA

.....Petitioner

Through: Mr. Kunal Manav, Mr. Nishant
Manav, Mr. Kishan Jaiswal, Advs.

versus

STATE

.....Respondent

Through: Mr. Aashneet Singh, APP

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **20.12.2024**

1. This is a petition filed under section 439 of Code of Criminal procedure, 1973 seeking grant of regular bail to the petitioner in FIR No. 458/2017, dated 23.10.2017, registered at P.S. Janak Puri under Sections 420/406/34 IPC
2. As per the FIR, the petitioner along with other directors of M/s Supras Homz had floated a project namely, Paras city PH-1, now renamed as Suparas City PH-1, situated at Sector 39, Bhiwadi. The complainants/investors had booked residential plots in the said project, based on the representations made by the petitioner and other directors of M/s Supras Homz.
3. In this regard, certain payments were made by the complainants, however the petitioner was unable to deliver the said plots to the complainants. Neither any amount was returned by the petitioner.
4. Hence the present FIR came to be registered.
5. As per the status report, there are 5 FIRs pending against the petitioner. The details of the same are as under:



FIR No.	Name of the complainant	Amount paid to the accused	Amount till date returned by the accused
456/17	1. Ms. Vibhu Kushwaha 2. Ajay Kumar	6,59,000/- 5,46,000/-	Rs. 2,00,000/- (on 31/03/21) 2,50,000/-
457/17	1. Ms. Rupali Rastogi 2. Satish Kaushik	5,77,106/- 5,42,000	Rs. 2,00,000/- (on 31/03/21)
458/17	Ms. Kanta Devi	6,59,600/-	Rs. 2,00,000/- (on 31/03/21)
459/17	1. Sh. Danish Kumar 2. Ms. Meenakshi 3. Sh. R.C. Gosain	8,42,502/- 6,93,000/- 9,00,000/-	Rs. 2,00,000/- (on 31/03/21) Rs. 2,50,000/- (in 2015) Rs. 1,20,000/- (in 2014)
333/18	1. Ms. Jyoti 2. Lal Singh	12,26,000/- 6,50,000/-	Not known Not known

6. It is stated that the total amount taken by the petitioner from the complainants is to the tune of Rs 70 lakhs and out of the said amount, an amount of Rs 14.2 lakhs has already been repaid. Another sum of Rs. 20 lakhs is lying deposited with the Registrar General, Delhi High Court in terms of order dated 22.11.2024.

7. The petitioner is in custody since 02.10.2020.

8. Mr. Manav, learned counsel for the petitioner states that the petitioner immediately, on being, released on bail will give a schedule to the concerned Investigating Officer (IO) indicating that the entire remaining amount payable to the complainants along with appropriate interest would be deposited with the Registrar General, Delhi High Court in equal monthly instalments starting from the month of March 2025.

9. The said schedule shall be given to the IO immediately within 1 week of release from the jail and it is directed that the same will be scrupulously



followed by the petitioner.

10. The statement of the learned counsel for the petitioner is taken on record and the petitioner is bound by the same.

11. In the present case, the charge sheet has already been filed and the other co-accused persons have been enlarged on bail. Even though the petitioner had earlier jumped bail, the same can be addressed by imposing stricter conditions on the petitioner. Bail is the rule and jail is an exception. The petition is still under trial prisoner and the trial in the FIR will take substantial time.

12. Hence, the present petition is allowed and the petitioner is directed to be released on bail subject to the following terms and conditions:

- a. The petitioner shall furnish a personal bond and a surety bond in the sum of Rs. 10,000/- each, to the satisfaction of the Jail Superintendent;
- b. The petitioner shall provide his mobile number to the IO concerned, which shall be kept in working condition at all times. The petitioner shall not switch off, or change the same without prior intimation to the IO concerned;
- c. The petitioner will furnish his permanent address to the IO and in case he changes his address, he will inform the IO concerned;
- d. The petitioner shall not leave the country without permission from the competent Court and if the petitioner has a passport, he shall surrender the same to the Jail Superintendent.
- e. The petitioner shall not indulge in any act or omission that is unlawful or that would prejudice the proceedings in pending cases, if any.

13. Nothing stated hereinabove shall tantamount to an expression of opinion on the merits of the case.



14. In case any of the conditions mentioned above are not complied with, the respondent shall be at liberty to file an application seeking cancellation of bail of the petitioner.

15. Once the entire balance amount is deposited with the Registrar General, Delhi High Court, in terms of the schedule given by the petitioner, the respondent shall inform the complainants about the same and the said amount shall be released proportionately to the complainants/investors.

16. With these directions, the petition is allowed and is disposed of.

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JASMEET SINGH, J

DECEMBER 20, 2024/DM

Click here to check corrigendum, if any