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

+ **BAIL APPLN. 859/2024**

MUKESH KUMAR

..... Petitioner

Through: Mr. Manoj Mishra, Advocate
(through VC).

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Amit Ahlawat, APP for the State.
SI Madan Lal, PS IGI Airport.
SI Bharat Singh, PS Uttam Nagar.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

01.05.2024

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1. The present application under Section 439 of the CrPC seeks regular bail in case FIR No. 388/2022, under Sections 448/420/467/468/471/120B of the IPC, registered at P.S. Uttam Nagar.
2. The case of the prosecution is that the present FIR was registered on a complaint made by complainant Dr. Rita Khanna, wherein she alleged that her father had bought the property bearing no. 34 and 35, measuring 200 and 220 sq. yds., situated in khasra no. 811 and 815 in Village Nawada, Majra Hastal, Om Vihar Colony, Phase-II, Uttam Nagar, Delhi. It is alleged that the said property was kept under lock and key by her father and after her father's demise, when she visited the property, she found that the boundary wall had been demolished and some illegal, unauthorised constructions were raised by some unknown persons. It is the case of the prosecution that the applicant, alongwith co-accused persons created a chain of documents in relation to the said property, showing ownership in the name of different



persons. The said persons, in their statement recorded by the Investigating Officer, have categorically stated that they were not the owners of the said property. It is further the case of the prosecution that the documents in the name of the complainant were found to be genuine and those in the name of co-accused Sandeep @ Bharat (who claimed himself to be a *bona-fide* purchaser of the said property) were found to be forged.

3. Learned counsel appearing on behalf of the applicant submits that investigation in the present FIR is complete. Chargesheet has been filed and the matter is at the stage of consideration on charge. It is pointed out that the applicant was arrested on 19.07.2022 and he has been in judicial custody since then. It is pointed out that co-accused Sandeep @ Bharat and Parveen have been granted regular bail *vide* orders dated 18.08.2023 and 15.02.2024 passed by this Court in BAIL APPLN. 622/2023 and BAIL APPLN. 105/2024 respectively. It is submitted that the applicant is willing to abide by any condition imposed by this Court in case bail is granted.

4. *Per contra*, learned APP for the State, on instructions of the Investigating Officer as well as the complainant present in Court, submits that the allegations against the present applicant are serious and the applicant was actively involved in the conspiracy of forging the documents with respect to the land belonging to the complainant. The present applicant is also stated to have purchased a parcel of the subject property on the basis of forged documents. It is further stated that one of the witnesses, in his statement recorded under Section 164 of the CrPC, has supported the case of the prosecution. However, it is stated that the said witness has since passed away. It is further pointed out that co-accused Komal Kanojia, who is stated to be the person who sold the land to applicant and co-accused persons, is



absconding.

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

6. The allegations in the present complaint relate to the ownership of a land which is alleged to be belonging to the complainant. The documents with respect to the alleged transactions have been recovered and are in possession of the investigating agency. Co-accused Sandeep @ Bharat and Parveen have been granted regular bail *vide* orders dated 18.08.2023 and 15.02.2024 passed by this Court in BAIL APPLN. 622/2023 and BAIL APPLN. 105/2024 respectively. The investigation *qua* the present applicant is complete and chargesheet has been filed.

7. Nominal Roll dated 23.04.2024, reflects that the applicant has been in judicial custody for 01 year 09 months and 04 days, since 19.07.2022. Nominal Roll further reflects that the conduct of the applicant during incarceration is satisfactory. The trial is at the stage of consideration on charge and is not likely to be completed in the near future.

8. In totality of facts and circumstances of the case, the present application is allowed. The applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 50,000/- with one surety of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions:

- i. The applicant shall not leave India 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 is directed to give his mobile number to the Investigating Officer and keep it operational at all times.

v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.

9. The application is allowed and disposed of accordingly.

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

11. Needless to state that nothing stated hereinabove is an opinion on the merits of the case.

12. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.

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

AMIT SHARMA, J

MAY 01, 2024/sn

Click here to check corrigendum, if any