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

+ **BAIL APPLN. 1123/2023 & CRL.M.A. 9010/2023 (Interim Protection)**

UPENDER KUMAR

..... Petitioner

Through: **Mr. S.K. Vashistha, Advocate.**

Versus

THE STATE NCT OF DELHI

..... Respondent

Through: **Mr. Amit Ahlawat, APP for the State with Insp. Sandeep Kumar & SI Sourav Singh, P.S. Ranhola.**

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

12.03.2024

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1. The present application under section seeks anticipatory bail in case FIR No.182/2023 under Section 306/34 of the IPC registered at P.S. Ranhola.
2. The case of prosecution as per the status report dated 19.05.2023 authored by Insp. Mukesh Kumar Singh is as follows:

“That the present case was registered on the complaint of Mr. Binod Jha S/o Bali Ram Jha R/o H.No. 364-B, Harphool Vihar, Gali No. 17 A Baprola Ranhola Delhi. He stated in his complaint that his son Ajay kumar is partner with Bachi Singh and they were running a factory and a person namely Tajender worked with his son Ajay Kumar but after ome time Tejender stopped to work with his son. Thereafter, three persons namely Tejender, Upender and Satender were running a factory in nangloi which makes tanker of milk and water. Son of complainant told him that alleged Tejender, Satender and Upender threatened him to



stop his factory. Ajay started to began worry regarding this matter. Upender and Satender lodged a complaint against Ajay Jha in PS Najafgarh.

On 18.02.2023, Ajay jha committed suicide at his home. On the complaint of Mr. Binod Jha the present complaint was registered.

During the investigation of the present case, a mobile phone was presented by the complainant and stated that this mobile phone belongs his son and the same was seized through seizure memo, the mobile phone was analysed, deceased Ajay kumar jha sent a message through what's app to a group but it was not delivered, screen shot was taken of the same and enclosed with the case file. Thereafter, mobile phone was deposited in Malkhana. Mobile phone has been sent to FSL Rohini to retrieve the data of mobile and result of the same is pending. Notices U/s 92 Cr.PC were sent for the CDR of alleged persons and deceased, same have been obtained and analysed. As per the CDR of alleged Satender Kumar, there was no contact of alleged Satender kumar with deceased Ajay kumar Jha as per CDR. Notice U/s 41-A

Cr.PC have been served to the alleged persons namely Tejender, Satender and Upender. Alleged persons joined the investigation. Tejender kumar stated that he paid some amount to deceased Ajay kumar Jha for the business purpose but Ajay kumar Jha didn't repay his amount. This is the dispute between alleged Tejender kumar and deceased Ajay Kumar Jha and

Alleged person Satender also joined the investigation, he stated that he doesn't know personally deceased Ajay Kumar Jha and further stated that two persons namely Bachhi Singh Bisht @ Virender and Tejender worked for his company and both share his customer details with the Ajay kumar Jha, and regarding the same matter, he lodged a complaint in PS Najafgarh. PM report of the deceased is also obtained and Dr. opined cause of death (The cause of death appears to be death is due to asphyxia as a result of ante-mortem hanging). Brother of deceased Vijay kumar jha also joined the investigation of the present case and he stated that alleged persons Tejender,

Upender and Satender harassed and threatened his brother and this is the reason that his brother committed the suicide. Pen drive had been also provided by the brother (Vijay Kumar) of deceased Ajay Kumar, same has been analysed, there is only conversation between Ajay Kumar (deceased) and Vijay Kumar. It is further submitted that Hon'ble Session Court dismissed the bail of applicant Satender Kumar.”



3. Learned counsel on behalf of the applicant submits that the applicant's brother Satender Kumar is proprietor of a factory in the name and style of *Baghya Laxmi Industries*. It is submitted that in the said factory one Bachche Singh Bisht was working as a marketing manager and Tajinder Singh was working as a marketing executive. It is stated that the said persons hatched a criminal conspiracy and started a business under the name and style of *Bhagya Shree Industries* and since they had access to all the customers of the said factory, they took advantage of the same, without the knowledge and consent of the proprietor of the *Bhagya Laxmi Industries i.e.*, the present applicant. Subsequently, it was revealed that the said persons were providing the data and logo of the proprietorship firm to one Mr. Ajay Jha (the deceased), who was stated to be Financer of the *Bhagya Shree Industries*. The complaint dated 18.02.2023 was filed against the said persons at P.S. Najafagarh.

4. Learned counsel for the applicant submits that it has come of record by way of the status report that applicant had no contact with the deceased and he had duly joined the investigation as and when called by the Investigating Officer and is ready and willing to abide by the terms and conditions as may be imposed by the Court.

5. *Per Contra*, Learned APP for the State, on instructions from the Investigating Officer submits that the complainant's son had committed suicide on the account of the threat and pressure from the present applicant. It is, however, stated that the applicant had joined the investigation and the phone belonging to the deceased had been sent to the FSL.

6. It is further submitted that the mobile phone of the deceased which



was handed over by the brother had a detailed message which was not sent by the deceased however, the message contained the allegations with respect to the pressure and threats being made by the present applicant with regard to the closure of the dispute. It is stated in the said message that the deceased was constantly harassed by the applicant and that the applicant was constantly putting pressure on him.

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

8. As per the status report dated 12.09.2023, three phone calls (all incoming from the phone of the deceased) and six messages between the applicant and the deceased are reflected in the CDR. It is also a matter of record, as per the status report, that the pen drive provided by the brother of the deceased revealed only the conversation between the applicant and his own brother and it did not contain any specific allegation *qua* the present petitioner. Applicant has admittedly joined the investigation as and when called by the Investigating Officer. The learned APP for the State, on instructions from the Investigating Officer, submits that the investigation in the present case is near completion and only the FSL report with regard to the alleged message is awaited for filing of the chargesheet.

9. In totality of the facts and circumstances of the case, the present application is allowed. In the event of arrest, the applicant is directed to be released on bail on his furnishing personal bond of Rs. 25,000/- with one surety of like amount to the satisfaction of the Investigating Officer/Arresting Officer, further subject to following conditions:

- i. The applicant shall not leave the country 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 shall join investigation as and when called by the Investigating Officer concerned.

v. The applicant will not try to influence the witnesses in any manner.

vi. The applicant shall provide his mobile number to the Investigating Officer and intimate about any change.

10. The application is allowed and disposed of accordingly.

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

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

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

AMIT SHARMA, J

MARCH 12, 2024/K