



\$~49

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

+ **BAIL APPLN. 1050/2024**

MOHIT GUPTA

..... Petitioner

Through: Mr. Varun Tankha, Mr. Ujjawal
Sharma, Mr. Prasang Sharma and Mr.
Deb Jeeta Majumdar, Advocates

versus

STATE OF NCT DELHI & ORS.

..... Respondents

Through: Mr. Manoj Pant, APP for the State
with Inspector Shikhar Chaudhary,
P.S. EOW.

Mr. L.N. Rao and Mr. Aryan Rajpal,
Advocates for complainant.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

22.03.2024

%

CRL.M.A. 9184/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

BAIL APPLN. 1050/2024

3. The instant application under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of the applicant seeking bail in FIR No.161/2022, registered at Police Station Economic Offences Wing, New Delhi for offences punishable under Sections 406/420/120B of the Indian Penal Code, 1860 ('IPC').
4. Issue Notice. Mr. Manoj Pant, learned APP accepts notice on behalf of State.
5. Briefly stated, facts of the case as per the FIR are that a complaint had been lodged by the complainant wherein it had been specifically alleged that



the complainant had invested huge amounts of money in a firm namely M/s. Caprise Financial Services through its partners namely Deep Saxena, Ankit Arora, Bibek Singh Mehta i.e., co-accused persons and the present applicant Mohit Gupta, who were involved in day-to-day activities of the said firm. It has been further alleged that in order to allure the complainant, the said firm had assured him that he would get return of around 6-8% investment made by him and out of that return, he would get 2-3% of the return. Subsequently, in order to gain trust of the complainant, the firm had made payments to the complainant initially for sometime and thereafter had stopped the payments and had also not returned the capital investment made by him. Thereafter, when the complainant and other investors had tried to approach the accused persons, they could not be contacted. Therefore, the present FIR had been registered.

6. Learned counsel appearing on behalf of the applicant states that the matter has been amicably settled between the present applicant and the complainant herein, and the affidavit dated 17.02.2024 *qua* the settlement is placed on record. It is stated that complete payment has already been received by the complainant. It is also stated that applicant has been in judicial custody since 10.01.2024 and the co-accused Bibek has been granted anticipatory bail by this Court *vide* order dated 08.02.2024. Therefore, it is prayed that applicant be granted regular bail.

7. Learned APP for the State, on instructions from the Investigating Officer (IO), states that in the same case, the co-accused Bibek Singh Mehta has also compromised the matter, who was granted anticipatory bail. It is also stated that the present applicant had joined investigation, but the allegations are serious against the accused persons.



8. This Court has heard arguments addressed by both the parties and has gone through the material available on record.

9. The Investigating Officer, who is present in the Court, states that he has verified the affidavit dated 17.02.2024 with respect to the settlement arrived at between the applicant and the complainant. He also submits that the applicant has joined and cooperated in the investigation.

10. Keeping in view all the facts and circumstances of the case, this Court is inclined to grant regular bail to the applicant, on his furnishing personal bond in the sum of Rs.20,000/- with one surety of like amount to the satisfaction of the Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i) The applicant shall remain available on mobile numbers; shared by him with the Police.
 - ii) The applicant shall not leave the country without prior permission of the Court and surrender his passport.
 - iii) In case of change of residential address/contact details, the applicant/petitioner shall promptly inform the concerned I.O/ SHO as well as the Trial Court.
11. Accordingly, the present bail application stands disposed of.
12. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.
13. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MARCH 22, 2024/zp

[Click here to check corrigendum, if any](#)