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

\+ CRL.M.C. 2752/2024

RATTAN LAKHOTIA .....Petitioner

Through: Mr. Bharat Gupta and Mr. Ojash Kundu, Advocates

versus

STATE OF NCT OF DELHI & ORS. .....Respondents

Through: Ms. Richa Dhawan, APP for the State for the State with SI Rahul, P.S: Kirti Nagar and SI Manish, MCT/West

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

O R D E R

% 12.09.2024

1. The present petition under Section 482 Cr.P.C, 1973 has been filed for setting aside the order dated 21.02.2024, vide which the anticipatory bail has been granted to the respondent/ accused persons namely 'Suresh Lakhotia' and 'Vinay Lakhotia' in F.I.R. bearing no. 0393/2022, under Sections 420/406/34 I.P.C registered at Police Station Kirti Nagar, Delhi.

2. The learned counsel for petitioner in detail has narrated the entire events which has led to the registration of F.I.R. It is stated that the Invoices which have been relied upon by the accused persons, were forged and they have cheated the complainant. Therefore, looking at their conduct, the Order dated 21.02.2024 granting bail to

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the accused persons, be recalled.

3. The perusal of the Anticipatory Bail Order dated 21.02.2024, reflects that after narrating the events which have led to the registration of F.I.R, the bail has been granted by observing as under:-

> *"Considering the facts of the case particularly closing of previous two complaints dated 13.02.2021 and 26.02.2022 having similar accusation by the police, delay in registration of present FIR coupled with the nature of transactions between the parties and the documents placed on record by the applicants as well as the fact that no attempt was made till 17.01.2024 for serving any notice u/s. 41-A Cr.P.C. upon the applicants, both the applicants deserve to be granted the relief prayed by them. Accordingly, it is directed that in the event of their arrest, applicant/accused Suresh Lakhotia and Vinay Lakhotia be admitted to bail.*

4. From the bare perusal of the Order dated 21.02.2024 of the learned ASJ, it is evident that the considerations which have been made in granting the Anticipatory bail are that two earlier similar complaints made by the complainant on the similar allegations which have been closed and it is on the third complaint that the FIR has been registered. Further, the delay for registration of FIR coupled with the nature of the transactions and the documents placed on record with further conduct of the respondents who had joined investigations under Section 41A CrPC, were the primary considerations which weighed while granting anticipatory bail to the accused persons.

5. The Learned APP besides re-agitating the grievances on merit, has not been able to show any grounds for cancellation of bail of the respondents/accused persons.

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6. The petition is dismissed.

NEENA BANSAL KRISHNA, J

SEPTEMBER 12, 2024/PU

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