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

+ **BAIL APPLN. 1508/2024**

AWADH KISHORE

.....Petitioner

Through: Mr. Sachin Shukla, Mr. Hamid
Hussain, Mr. Nikhil Gupta, Mr.
Aaksh Passi, Mr. Ayush & Mr. Jasraj
Singh, Advocates

versus

**THE STATE THROUGH SHO EOW SECTOR -1 DWARKA, NEW
DELHI**

.....Respondent

Through: Mr. Amit Ahlawat, APP for the State
Insp. Pradeep Rai, PS EOW

**CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL**

**ORDER
23.08.2024**

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1. This petition is filed seeking regular bail in FIR No. 207/2016 under Sections 420/468/471 IPC PS EOW.
2. As per case of prosecution, complaint was received that the petitioner along with co-accused, posing as Directors of M/s. Dhurv Infratel Pvt. Ltd. induced him to invest in the Company, promising him huge profits in commission of contract of optical fibre installation. Complainant was also offered a job for his son at a salary of Rs.2 lakhs per month. On the said assurance, complainant invested Rs.70 lakhs through receipt-cum-declaration dated 24th January 2014, which was to be returned by August 2015. Later, as per complainant, neither was any employment given to complainant or his son nor any money was returned. Further, petitioner issued 3 cheques towards investment, which were dishonoured.



3. Counsel for petitioner however states that as regards issue of Rs. 70 lakhs, it is alleged to be an investment in cash for which there is no documentary evidence; besides, the charge-sheet has already been filed on 20th September 2018. As regards he being declared as PO, he states that summons were never received by petitioner.

4. In order to ensure presence of accused-petitioner, wife of petitioner Ms. Neha Srivastava is present in the Court and states that she will give surety for her husband and that she along with her husband are residing at 703, *Tower A, French Apartment, Sector 16 B, Greater Noida (West), Gautam Budh Nagar, U.P. 221007* and staying there on rent. She shall furnish a copy of rent agreement to the IO, as also her mobile number and identification papers.

5. Considering the circumstances that investigation is over and the matter is proceeding ahead before the Trial Court where prosecution evidence is being recorded, this petition is allowed and petitioner is allowed to be enlarged bail.

6. Consequently, the petitioner is directed to be released on bail on furnishing a personal bond in the sum of Rs. 50,000/- with one surety of the like amount from the wife, subject to the satisfaction of the Trial Court and that petitioner shall continue to reside at the aforementioned address and further subject to the following conditions:

- i. Petitioner will not leave the country without prior permission of the Court.
- ii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iii. Petitioner shall appear before the Court as and when the matter is



taken up for hearing.

- iv. Petitioner shall join investigation as and when called by the IO concerned.
 - v. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.
 - vi. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.
7. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.
8. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
9. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.
10. Order be uploaded on the website of this Court.

ANISH DAYAL, J

AUGUST 23, 2024/sm