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

+ **BAIL APPLN. 2050/2023**

MOHD. ARIF

..... Petitioner

Through: **Mr. Kapil Garg, Advocate.**

versus

THE STATE (GOVT. NCT OF DELHI)

..... Respondent

Through: **Mr. Ritesh Kumar Bahri, APP for the
State with SI Surendra Singh, P.S.
Shahbad Dairy.**

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

27.03.2024

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1. The present petition has been filed seeking anticipatory bail in connection with FIR No.268/2022 under Sections 420/467/468/471/506/448 IPC registered at Police Station Shahbad Dairy.
2. The present case has been filed on the complaint of the complainant, namely, Sangeeta Mehra alleging that she owns a property bearing No.B-135, Khasra No.56/21, Kishan Colony, Prahladpur and a caretaker was residing in the said property as she herself is residing in Bareilly. It is alleged that the petitioner has put his own locks on the said property.
3. The learned counsel for the petitioner submits that the property has been purchased by him from one Meenakshi who in turn had purchased the same from Mahabir. He further submits that after purchasing the said property he has sold the same to one Prabhawati in March, 2022 before the



registration of the FIR. He submits that the present petitioner himself is a victim inasmuch as he was allured by one Rajiv Arya, Advocate to purchase the said property.

4. Notice was issued by this Court *vide* order dated 14.06.2023 with direction to the State to file a status report. The status report has been filed and the same is on record.

5. The learned APP, on instructions from the IO, submits that the chain of the title documents furnished by the complaint to the IO have been found to be genuine. On the other hand, documents furnished by the present petitioner/accused were not found genuine.

6. He further submits that Meenakshi from whom the petitioner alleges to have purchased the property in question is not traceable nor Mahabir is traceable from whom Meenakshi is stated to have purchased the property. He submits that the address of Mahabir mentioned on the chain of title documents furnished by the petitioner has also been found to be fake.

7. He further submits that the IO has examined five witnesses who have stated that the petitioner was in possession of the property prior to pandemic.

8. He submits that the RWA receipts issued to the complainant against the payment of maintenance charges have also been found to be genuine.

9. Learned APP on instructions from the IO submits that the petitioner has not cooperated in the investigation. The IO is trying to contact him but the petitioner's mobile phone is switched off since 28.02.2024. He further submits that the petitioner had given contradictory statements.

10. Considering the fact that – (i) the chain of title documents furnished by the petitioner have been found to be not genuine, (ii) the addresses of the so called predecessors-in-title namely, Mahabir and Meenakshi, have been



found to be fake, (iii) both Mahabir and Meenakshi are not traceable, (iv) the petitioner has not cooperated in the investigation and his phone is switched off since 28.02.2024 and further regard being had to the fact that the matter is still at the investigation stage, no ground is made out for grant of anticipatory bail to the petitioner.

11. Accordingly, the petition is dismissed.

VIKAS MAHAJAN, J

MARCH 27, 2024/MR