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

\+ BAIL APPLN. 2625/2023

P P RAVINDRAN ..... Petitioner

Through: Ms. Jyoti Nambiar, Advocate.

versus

STATE GOVT OF NCT & ANR. ..... Respondents

Through: Mr.Ajay Vikram Singh, APP for State with IO SI Shivani, PS Bharat Nagar. Ms. Aksa Thomas, Advocate for complainant with complainant and other victim/parents Sh. Siddharth Jain and Sh. Ashwani.

CORAM:
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

O R D E R

% **28.02.2024**

1. An application under Section 438 of the Code of Criminal Procedure, 1973 (‘Cr.P.C.’) has been preferred on behalf of the petitioner/applicant for grant of anticipatory bail in FIR No. 0594/2023 under Sections 406/420 IPC registered at P.S. Bharat Nagar.

2. In brief, as per the case of prosecution, complainant Deepak Malhotra alleged that the petitioner P P Ravindran had approached the complainant for the purpose of admission of his daughter in a reputed private school in Delhi, claiming his high links with top bureaucrats, Ministers and top level executives. On the assurance of the petitioner, a cheque of Rs. 7 lacs was handed over by complainant for securing admission. After obtaining the cheque, petitioner went underground and failed to respond back. After some

gap, petitioner again contacted the complainant, and on frivolous grounds, refused to return the amount. Thereafter, a complaint under Section 138 Negotiable Instruments Act was further filed by the petitioner at Kerala on dishonor of said cheque, which was issued by complainant in good faith.

3. It is further the case of prosecution that during the investigation, it was revealed that FIR No. 0203/2022, under Section 420/406 IPC, PS Ambedkar Nagar, FIR No. 0071/2020, under Section 420 IPC, PS Kirti Nagar and FIR No. 0409/2022, under Section 406/420/511 IPC, PS Model Town were also registered against petitioner, wherein similar *modus operandi* has been adopted and cheques for several lakhs had been obtained by cheating and alluring the complainants. It also came up in investigation, that about 35 cases under Section 138 Negotiable Instruments Act had been filed by the petitioner. Further, FIRs under various Sections were got lodged against the complainants through his associate Sonia Malhotra for purpose of coercing them to close the present FIRs.

4. An anticipatory bail application filed on behalf of the petitioner stands dismissed by learned ASJ vide impugned order dated 26.07.2023.

5. Learned counsel for the petitioner submits that the complainant has resorted to forum shopping since the FIR was got lodged at PS Bharat Nagar instead of PS Ashok Vihar which has the jurisdiction over the matter. It is further submitted that the petitioner is in business of providing loans and the aforesaid cheques were issued against loans availed by complainants. It is also submitted that the FIRs have been filed as a counter blast and defence to the proceedings initiated under Section 138 Negotiable Instruments Act, by the petitioner. It is further urged that one of the FIR no. 0071/2020 registered at PS Kirti Nagar has been quashed, which is disputed by learned

APP for the State for want of confirmation. It is also contended by learned counsel for the petitioner that petitioner had commenced trial run of financial services, though he is not in possession of any signed document to prove the availing of loan by complainants.

6. Learned APP for the State vehemently opposes the bail application.

7. It has also been clarified by the complainant who is also present in person that the FIR was lodged at PS: Bharat Nagar since Ashok Vihar Phase-II comes within the jurisdiction of PS : Bharat Nagar.

8. Admittedly, in the present case, petitioner has neither joined the investigation nor any such documents regarding the lending of loan amount to complainants have been handed over to investigating agency. Only some documents over Whatsapp are claimed to have been furnished to the IO.

It cannot be overlooked that Several FIRs stand lodged against the petitioner by unconnected complainants, which elucidate similar *modus operandi* with fraudulent or dishonest intention, to deceive the complainants to deliver the cheques, on assurance of securing admission for their children in reputed schools in Delhi. Further, as a well thought out plan, petitioner deposited the cheques in bank accounts and initiated proceedings under Section 138 NI Act at Kerala on dishonor of cheque and FIRs appear to have been got lodged against the complainants, through associates to pressurize them to enter into a compromise / settlement. It is crucial to underscore that no substantive documents have been produced before the Investigating Agency by the petitioner to prove that the cheques were given against any loan. In case the petitioner was a *bonafide* holder of cheques in due course, nothing prevented him to join the investigation with the relevant documents showing that the cheques had been extended against any *bonafide* transactions / loans.

The contention raised on behalf of the petitioner that dispute is merely civil in nature, does not appear to be convincing in the light of facts brought on record. The improprieties and recoveries can be further looked into during investigation by the investigating agency.

Considering the gravity of offence, nature of allegations and evidence on record, custodial interrogation of the petitioner is imperative. In view of above, no grounds for anticipatory bail are made out. Application is accordingly dismissed. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J

FEBRUARY 28, 2024/*akc/sd*