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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 1833/2024, CrI.M.A. 32969/2024 & CrI.M.(Bail)
891/2024

AMIT JUMAL

.....Petitioner

Through: Mr. Alok Krishna Agarwal,
Mr. Sanjeev Kumar Singh and
Mr. Jitendra Pandey, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Raghuinder Verma, APP for
State
Mr. Nihit Nagpal, Ms. Devika Mehra
and Mr. Muneeb Rashid Malik,
Advocates for R-2/complainant

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
04.11.2024

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1. The instant application under Section 438 of the Code of Criminal Procedure, 1973, now section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS" hereinafter) has been filed on behalf of the applicant seeking anticipatory bail in FIR bearing No.248/2024 dated 23rd April, 2024 for the offences punishable under Sections 419/420/467/468/120-B of Indian Penal Code, 1860 ("IPC" hereinafter) registered at Police Station - Saket, New Delhi.
2. The brief facts of the case that led to the filing of the instant application are as follows:



(a) The present FIR has been filed on the basis of the complaint made on behalf of the complainant namely, Mrs. Anubha Gujral against the applicant herein for the offences under Sections 419/420/467/468/120-B of the IPC for cheating, cheating by impersonation, criminal breach of trust and forgery etc.

(b) It is stated therein that the applicant was appointed as the accountant of the complainant's husband, i.e., Mr. Ashwini Gujral. However, after the demise of the complainant's husband on 26th February, 2023, the applicant alongwith various associates/ co-conspirators, deliberately and with a *mala fide* intent, forged the signatures of her late husband in order to steal his wealth by impersonating him.

(c) In view of the aforesaid allegations, the instant application has filed seeking the grant of anticipatory bail.

3. Learned counsel for the applicant submitted that applicant herein is an innocent person and has been falsely implicated in the present case as he has not committed any offence as alleged in the present FIR.

4. It is submitted that there are civil disputes between the applicant and the complainant, i.e., respondent No.2 herein and thus, the present FIR has been filed by the complainant in order to shape the present dispute of a civil nature into a criminal one. It is also submitted that the present FIR is an abuse of the process of law in order to blackmail the applicant for settling all the disputes between them on her favourable terms and conditions.

5. It is further submitted that the applicant may be granted the said relief in view of the fact that he is duly co-operating in the investigation as well as appearing before the investigating agency as and when required. It is submitted that the status report filed before this Court reflects that the



aforesaid fact has not been disputed by the Investigating Officer (“IO” hereinafter).

6. It is also submitted that the applicant has produced all the documents as required by the IO as well his specimen signatures which are to be sent to the Forensic Science Laboratory (“FSL” hereinafter) for the purpose of matching his signatures with the signatures that have been found in the alleged documents.

7. It is further submitted that there is no history of previous involvement of the applicant in any criminal case and thus, he has a clean antecedent. Moreover, the applicant undertakes to abide by all the conditions imposed by this Court while granting him anticipatory bail.

8. *Per Contra*, learned APP for the State, during the course of arguments, has not denied the contentions made by the learned counsel for applicant and submitted that the applicant is co-operating with the investigation.

9. In view of the aforesaid, it is particularly submitted that the custodial interrogation of the applicant is not required at this stage as he has already given his specimen signatures which are to be sent for FSL report.

10. At this stage, the learned counsel for the complainant has vehemently opposed the instant application seeking anticipatory bail and submitted that the instant anticipatory bail application is not maintainable in view of the fact that there is no anticipation/apprehension of the applicant’s arrest.

11. It is further submitted that the applicant has committed serious offence under Section 467 of the IPC by forging the documents and impersonating the complainant’s late husband, thereby making his presence



necessary for custodial interrogation and thus, it is prayed that the instant application being devoid of merits, may be rejected.

12. Heard learned counsel for the parties and perused the contents made in the instant application, status report filed by the State and the reply filed by the complainant.

13. Keeping in view the foregoing submissions and the arguments advanced by the learned counsel for the parties, this Court is of the observation that the applicant is duly cooperating with the investigation process. Furthermore, it is noted that the aforesaid fact has not been denied by the learned APP appearing for the respondent-State.

14. Furthermore, it is also noted that the documents as required by the IO have been duly submitted by the applicant and he has already provided his specimen signatures which are to be sent to the FSL for further investigation. Therefore, this Court is of the considered opinion that the custodial interrogation of applicant is not required.

15. Accordingly, this Court is inclined to allow the instant application and grant protection to the applicant. In view of the same, it is directed that in the event of arrest, the applicant be released on bail on his furnishing personal bond in the sum of **Rs.1,00,000/-** (Rupees One Lakh only) with two solvent sureties of like amount to the satisfaction of the Investigating Officer subject to the conditions as follows:-

- a) The applicant shall surrender his passport, if any, to the Investigating Officer and shall under no circumstances leave India without prior permission of the Court concerned;
- b) The applicant shall cooperate in the investigation and



appear before the Investigating Officer of the case as and when required;

- c) The applicant shall remain present before the jurisdictional police station on **the 15th day** of every calendar month for the period of two months or till the filing of the final report, whichever is earlier;
- d) The applicant shall not tamper with the evidence and shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- e) The applicant shall provide his mobile number(s) to the Investigating Officer and keep it operational at all times;
- f) The applicant shall not commit any offence whatsoever during the period of his bail; and,
- g) In case of change of residential address and/or mobile number, the same shall be intimated to the Investigating Officer by way of an affidavit.

16. It is made clear that the observations so recorded hereinabove are only for the purpose of deciding the present bail application and shall not affect the merits of the instant case.

17. With the aforesaid directions, the instant application stands disposed of.

CHANDRA DHARI SINGH, J

NOVEMBER 4, 2024
rkk/sm

Click here to check corrigendum, if any