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

+ **BAIL APPLN. 1871/2024**

DIBYA RANJAN BEHERA

.....Petitioner

Through: Mr. Ravi Prakash Mehrotra, Senior
Advocate with Mr. Apoorv
Srivastava, Advocates.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Laksh Khanna, APP for State
with SI Vikash Fageria PS Rajouri
Garden and SI Naveen Sandhu PS
Wazirabad, Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

25.07.2024

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1. By way of present bail application, the petitioner/applicant seeks regular bail in FIR No. 784/2020 registered under Sections 420/406/409/120-B IPC at Police Station Rajouri Garden, New Delhi.

2. Mr. Ravi Prakash Mehrotra, learned Senior Counsel appearing for the applicant states that the co-accused, namely *Deepak Swarup*, against whom the allegations were levelled at a higher pedestal, has already been released on regular bail vide order dated 27.02.2024 passed by this Court in Bail Appln. 2718/2022. He submits that in the present case, the complainant has alleged that there was a Business Transfer Agreement dated 07.11.2019 as per which the accused persons i.e. the two partners of *M/s Trav Tigers* have transferred their entire business to the complainant for a consideration of Rs.23 lacs. He further contends that no such agreement was ever executed between the parties. It is also stated that as per the charge-sheet filed, only a



sum of Rs.7.44 lacs is shown to have travelled to the account of the present applicant. It is also stated that there were regular business transactions between M/s Trav Tigers and the complainant company to the tune of about Rs.1.28 crores and it is the grievance of the accused persons that it was the complainant who had siphoned off a sum of Rs.72 lacs. It is stated that the applicant was not even named in the initial charge-sheet and his name has only been cropped up in the supplementary challan. The charges are yet to be framed and the prosecution has cited 21 witnesses for which the trial will take a long time to conclude.

3. On the other hand, the bail application is opposed by the learned APP for the State. He has handed over a copy of the Status Report which is taken on record. He contends that as per the material collected during investigation, a sum of Rs.7.44 lacs has directly travelled to the applicant's account with a further sum of Rs.9 lacs which has gone to the joint account of the applicant alongwith co-accused. He however, submits that the role of the present applicant is somewhat similar to the co-accused who has already been released on regular bail.

4. Considering the fact that the applicant's name only figured in the supplementary challan and despite being arrested on 23.01.2023, the charges are yet to be framed and the fact that the co-accused has already been released on regular bail, the applicant's case is squarely covered on the grounds of parity and accordingly, it is directed that the applicant be released on regular bail subject to his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/concerned Court/Duty M.M. and subject to the following further conditions :-



- i) The applicant shall not leave the NCR without prior permission of the concerned Court.
 - ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.
 - iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
 - iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
 - v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.
5. The bail application is disposed of in the above terms.
 6. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and compliance.
 7. Copy of the order be uploaded on the website forthwith.
 8. Needless to state that this Court has not expressed any opinion on the merits of the case and have made the observations only with regard to present bail applicant and nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

MANOJ KUMAR OHRI, J

JULY 25, 2024/rd