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

+ **BAIL APPLN. 2903/2023**

SANJEEV MAHAJAN

.....Petitioner

Through: Mr. K. Sultan Singh, Senior
Advocate with Mr Aditya Vikram
Singh, Advocate

versus

STATE (NCT OF DELHI) & ANR.

....Respondents

Through: Ms. Richa Dhawan, APP for State
Mr. Yogesh Jagia, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

12.11.2024

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1. The instant bail application under Section 482 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”) (earlier Section 438 read with Section 482 of the Code of Criminal Procedure, 1973) has been filed on behalf of the petitioner/applicant seeking grant of anticipatory bail in FIR No. 85/2022 registered at Police Station - EOW, for the offences punishable under Sections 406/409/419/420/468/471/120-B of the Indian Penal Code, 1860 (hereinafter “IPC”).

2. Mr. K. Sultan Singh, learned Senior Counsel for the applicant submitted that the applicant was falsely alleged to have committed financial irregularities pertaining to the company namely, M/s Enhance Aesthetic & Cosmetic Studio Pvt. Ltd. As per the allegations, the applicant procured a



sum of Rs. 10.34 Crores after forging signature of the Respondent no. 2 on various documents. Moreover, it was also alleged that the applicant has siphoned off money payable towards GST on behalf of the West Bengal Clinic of the aforesaid company. Upon filing of the complaint regarding the same, the aforesaid FIR was registered against the applicant.

3. It is submitted that the Co-ordinate Bench of this Court *vide* order dated 8th May, 2024 granted interim protection to the applicant, directing him to co-operate in the investigation. Complying with the said direction, the applicant has been sincerely co-operating in the investigation, thereby appearing before the investigation agency on several occasions.

4. It is submitted that the investigation in the instant case has been completed and chargesheet has already been filed by the investigating agency on 3rd October, 2024.

5. It is further submitted that since there is no allegation against the applicant to the effect that he is not co-operating in the investigation, no purpose would be served if the applicant is arrested in the instant case, and therefore, it is prayed that the interim protection be made absolute.

6. Ms. Richa Dhawan, learned APP for the State, on instructions, has conceded to the fact that the applicant is co-operating with the investigating agency and chargesheet has already been filed. It is further submitted that she has no objection to the prayer made on behalf of the applicant with regards to the interim protection being made absolute.

7. It is also submitted that the investigating agency is further investigating the matter and it shall be filing the supplementary charge-sheet.

8. *Per contra*, learned counsel for the respondent No.2/complainant



submitted that it is wrong to say that the applicant has co-operated with the investigating agency and he is not entitled for interim protection to be made absolute.

9. Heard learned counsel for the parties and perused the material placed on record.

10. Upon perusal of the contents of the instant application as well as the status report filed by the State, it is observed that the investigation agency has completed the investigation and accordingly, filed the chargesheet against the applicant. Moreover, it is also a conceded fact that the applicant has been co-operating in the investigation and has been appearing before the investigating agency on various occasions, as and when he was required.

11. Furthermore, the learned APP for the State has given no objection if the interim protection is made absolute. It is also noted that the investigation in the instant matter is still being done by the investigation agency and a supplementary chargesheet will be accordingly filed.

12. Therefore, keeping in view the fact that the investigation had already been completed, chargesheet been filed, co-operation of the applicant with the investigating agency and no objection given by the learned APP alongwith the contention made by the State in filing supplementary chargesheet, this Court is of the view that interim protection granted to the applicant *vide* order dated 8th May, 2024 passed by the Co-ordinate Bench of this Court is made absolute.

13. Accordingly, 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 Court concerned/Investigating Officer subject to the



conditions as follows:-

- a) The applicant shall surrender his passport, if any, to the Court concerned 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 Court concerned as and when required;
- c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case and attempt to tamper with the evidence;
- d) The applicant shall provide his mobile number(s) to the Investigating Officer and keep it operational at all times;
- e) In case of change of residential address and/or mobile number, the same shall be intimated to the Court concerned by way of an affidavit.

14. With the aforesaid directions, the instant bail application is allowed and stands disposed of. Pending applications, if any, stands dismissed.

15. It is made clear that the observations made herein, touching upon the merits of the case, are purely for the purpose of deciding the question of granting of protection to the applicant, which shall not be construed as an expression of observations on the merits of the case.

CHANDRA DHARI SINGH, J

NOVEMBER 12, 2024

rt/mk

Click here to check corrigendum, if any