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

+ **BAIL APPLN. 2718/2022**

DEEPAK SWARUP

..... Petitioner

Through: Mr. Sanjay Kumar Das, Advocate

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Aashneet Singh, APP for State with
SI Abhishek

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

27.02.2024

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1. By way of present application filed under Section 439 Cr.P.C., the petitioner/applicant seeks regular bail in FIR No.784/2020 registered under Section 420/406/409 IPC at P.S. Rajouri Garden, Delhi.

2. Learned counsel for the applicant submits that the entire FIR is premised on a Business Transfer Agreement dated 07.11.2019 as per which, the applicant and other owners of *M/s Trav Tigers* transferred their entire business to the complainant for a consideration of Rs.23 lacs. He submits that there is no agreement of such nature ever executed between the parties, which is on record. It is further submitted that as per the allegations, pursuant to the said agreement, the applicant and other co-accused persons have received a sum of Rs.20 lacs and Rs.3 lacs remains to be paid. He further submits that the applicant alongwith the other co-accused persons have transacted a business of around Rs.1.28 crores and it has been further



alleged that the complainant has siphoned off Rs.72 lacs. However, in the absence of any executed agreement, the same has to be tested in trial. He further submits that the entire case is based on documentary evidence and that the chargesheet has been filed as early as on 24.12.2020. He states that till date, even charges have not been framed and that the prosecution has cited as many as 21 witnesses. He further submits that the complainant was vendor of the applicant and the sum of Rs.38 lacs was paid towards purchase of tickets. It is further stated that the applicant has been in custody since 30.09.2020 and considering the present situation, it will take a long time for the trial to conclude.

3. Learned APP for the State has vehemently opposed the bail application. He submits that though no formal agreement executed between the parties has been seized, the parties have acted in terms thereof inasmuch as after the transfer of the business to the complainant, the applicant alongwith the co-accused persons were to act as consultant. As per the investigation, the applicant used email ID of *M/s Trav Tigers* as well as email ID of the complainant's company. He submits that accused had even transferred a sum of Rs.38 lacs.

4. In rejoinder, learned counsel for the applicant submits that in terms of the directions, the applicant has placed on record an affidavit thereby stating that in case his application is considered, he would be staying with his sister at House No. 30, 3rd Floor, Rampurji Kalkaji, New Delhi, who will also stand as surety for him.

5. I have heard the learned APP for the State as well as learned counsel for the applicant and have also gone through the material placed on record.



6. In the present case, as noted above, the chargesheet came to be filed way back in the year 2020. It is further informed that a supplementary challan came to be filed in the year 2023 against the remaining co-accused persons and the charges are yet to be framed.

7. Although it is stated that one of the co-accused, who is the wife of the applicant, has failed to appear before the trial court, learned counsel for the applicant submits that the divorce proceedings are pending between them.

8. Keeping in view the aforesaid facts and circumstances including the fact that the case is documentary in nature; the fact that the chargesheet was filed in the year 2020; the charges are yet to be framed; that 21 witnesses are to be examined; and that the trial is likely to take considerable time as well as the period of custody, the applicant is directed to be released on regular bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety of like amount, who shall be the sister of the applicant, to the satisfaction of the concerned Jail Superintendent/Duty M.M./Trial Court and subject to verification of the address and subject to the further following conditions:-

- (i) The applicant shall not leave the NCT of Delhi without prior permission of the concerned Court.
- (ii) At the time of furnishing bail bond, the applicant shall provide the mobile number, which he undertakes to keep operational at all times during the pendency of the trial.
- (iii) In case of change of residential address or contact details, the petitioner shall promptly inform the same to the concerned I.O. 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.

9. The application stands disposed of in the above terms.

10. Copy of this order be communicated electronically to the concerned Jail Superintendent for information.

11. Copy of this order be uploaded on the website forthwith.

12. Needless to state that 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 observations are only for the purpose of the disposal of the present application.

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MANOJ KUMAR OHRI, J

FEBRUARY 27, 2024

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