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

+ BAIL APPLN. 4135/2020, CRL.M.A. 10127/2024

RAMESH KUMAR MATHUR

.....Petitioner

Through: Mr.Abhijat Bal, Ms. Mallika Gupta,
Advvs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Amol Sinha, ASC for the State
with Inspector L.N. Saini, Division
Rohini.
Mr. Prateek Khanna, Adv. for
complainant.

2

+ BAIL APPLN. 4137/2020

OM PARKASH MATHUR

.....Petitioner

Through: Mr.Abhijat Bal, Ms. Mallika Gupta,
Advvs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Amol Sinha, ASC for the State
with Inspector L.N. Saini, Division
Rohini.
Mr. Prateek Khanna, Adv. for
complainant.

3

+ BAIL APPLN. 3046/2021, CRL.M.A. 12935/2021

RAMESH KUMAR MATHUR

.....Petitioner

Through: Mr.Abhijat Bal, Ms. Mallika Gupta,
Advvs.

versus



STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amol Sinha, ASC for the State
with Inspector L.N. Saini, Division
Rohini.

Mr. Prateek Khanna, Adv. for
complainant.

5

+ BAIL APPLN. 1171/2022

RAVI MATHUR

.....Petitioner

Through: Mr. Abhijat Bal, Ms. Mallika Gupta,
Adv.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Amol Sinha, ASC for the State
with Inspector L.N. Saini, Division
Rohini.

Mr. Prateek Khanna, Adv. for
complainant.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

14.10.2024

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1. Briefly stated the facts of the matter are that, Sh. Arun Khaima, residing at C-64 New Multan Nagar, Delhi, filed a complaint asserting his possession of land bearing Khasra No. 92/5 (2-15), 92/6 (4-16), and 93/10/2 (2-1), which he purchased from Sh. Rattan Singh in September 1986, as well as Khasra No. 92/4 (2-15) in village Karala since 1981-82 through a lease deed and an agreement to sell dated 22.02.1996 in favor of his mother-in-law, Smt. Kamlesh Dhingra. A pending suit for specific performance, titled Smt. Kamlesh Dhingra vs. Din Dayal &



Ors., concerning land bearing Khasra No. 93/10/1 (2-15), is currently before the Court of ADJ, Karkardooma. Sh. Ramesh Kumar is also named as a defendant in this ongoing case. Due to various disputes and alleged criminal activities involving the present petitioners and others, the complainant has lodged several complaints with the police and revenue authorities, resulting in seven FIRs for cheating and forgery registered at P.S. Kanjhawala, Rohini District. Additionally, an NCR (No. 37/18) was filed by Chattarpal, a staff member of the complainant, against Ramesh Kumar for criminal threats and intimidation.

2. During the investigation, it was revealed that Rs. 3 lakh was transferred via RTGS from Ravi Mathur's account to accused Raj Kumar on 1.8.2018, with the same amount returned on 7.12.2018. Additionally, Rs. 3 lakh was sent from applicant Ramesh Mathur to co-accused Abhilakh Singh, who then transferred the same amount back to Ravi on 10.12.2018. The applicant allegedly misrepresented Khasra numbers in his bail application to mislead the court, intimidated the complainant on several occasions, and colluded with other accused, evidenced by shared counsel and a mutual acquaintance named Mahender Singh.
3. Learned ASC for the State at the outset submits that the charge sheet have already been filed in all the present matters and investigation stands completed.
4. As per order dated 03.04.2024, in BAIL APPLN. 4135/2020, BAIL APPLN. 4137/2020, BAIL APPLN. 3046/2021, CRL. M.C. 1395/2021, and BAIL APPLN. 1171/2022, the Additional Standing Counsel (ASC) confirmed that the investigation was complete, and a charge sheet had already been submitted, with a supplementary charge sheet to be filed



soon. The ASC further confirmed that no further custodial interrogation of the applicants were required.

5. Learned counsel for the complainant has vehemently opposed the anticipatory bails on the ground that even the investigations qua the present petitioners are still continuing. It has been submitted that allegations against the petitioners are grave in nature, and they may not be granted the anticipatory bail.
6. Learned counsel for the petitioner submitted that petitioners have throughout joined the investigation and have never misused the protection. It has further been submitted that dispute between the parties is predominantly of civil nature.
7. In ***Satender Kumar Antil v. CBI*** (2022) 10 SCC 51, the Supreme Court laid down comprehensive guidelines for granting bail, emphasizing that once a charge sheet is filed, the accused should not ordinarily be kept in custody unless there is a compelling need. The Court highlighted that custodial detention should only be imposed when necessary for reasons like tampering with evidence or absconding. It reinforced the principle of “bail not jail,” stating that interim protection or bail should be the norm, especially when the accused has cooperated with the investigation.
8. Similarly, in ***Bharat Chaudhary and Anr. vs. State of Bihar and Anr.*** (2003) 8 SCC 77, the Supreme Court clarified that there is no restriction in Section 438 of the CrPC on granting anticipatory bail even after a charge sheet has been filed and cognizance taken. The Court emphasized that the primary objective of Section 438 is to prevent undue harassment of accused persons through pre-trial arrest



and detention. It noted that the mere fact of a court taking cognizance or the filing of a charge sheet should not prohibit the granting of anticipatory bail in appropriate cases. While the gravity of the offense and the necessity for custodial interrogation are important factors to consider, they do not preclude the court's discretion to grant anticipatory bail. Ultimately, the Court affirmed that the Session Court, High Court, and Supreme Court possess the authority to grant anticipatory bail for non-bailable offenses under Section 438, provided the circumstances of the case warrant such relief.

9. It is a settled proposition that a person alleged as an accused cannot be kept in detention except for the specific and substantive reasons i.e., gravity of offence, antecedents of accused, possibility of the threatening the witness, tampering the record or fleeing away from the cause of justice. In the present case there is no allegation of threatening the witnesses or tampering with the record. The investigation is complete and the trial may take long.
10. The plea of learned counsel for the petitioner is that dispute is primarily of civil nature cannot be brushed aside. The Court at this stage has only to take a prima facie view.
11. In the facts and circumstances, since the chargesheet have been filed, the order dated 22.12.2020 in BAIL APPLN. 4135/2020 and BAIL APPLN.4137/2020, 17.08.2021 in BAIL APPLN. 3046/2021 and 13.04.2022 in BAIL APPLN. 1171/2022 stands confirmed that interim protection was granted to the petitioners, and the petitioners are admitted to bail in the sum of Rs.20,000/- each with a surety of the like



amount subject the satisfaction of the learned Trial Court subject to the conditions imposed by the learned Trial Court.

12. In view of the above, the present petitions stand disposed of.

DINESH KUMAR SHARMA, J

OCTOBER 14, 2024

Pallavi/NA