



\$~1

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

+ BAIL APPLN. 2120/2024

DIN DAYAL AGRAWAL

.....Petitioner

Through: Mr. Naresh Kaushik, Sr. Adv. & Mr.
Anand Singh, Adv.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Aman Usman, APP for the State
with Mr. Kunal Bhardwaj, Mr.,
Paras, Mr. Mohit Rathi, Ms. Garima
Saini & Ms. Sakshi Saini, Adv.
Insp. Dinesh Rana PS Dwarka North

Ms. Manpreet Kaur, Adv. for
complainants with Mr. Vikas
Kapoor, son of complainants.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

%

16.07.2024

1. This petition is filed seeking interim bail in case arising out of FIR No.151/2023 registered at PS Dwarka Sector 23, under sections 420/467/468/471 IPC; petitioner is in judicial custody since November 2023.

2. The FIR was registered on a complaint filed by senior citizens with respect to an agreement to sell dated 15th December 2014, along with other attendant documentation executed between the complainants and the accused pertaining to a property bearing Flat No.102, Mahavir Apartments, Plot No.SA, Sector 22, Dwarka, New Delhi. Title documents of the



accused were shown to the complainants and transaction was agreed to for accused to sell the property to the complainants. Consideration amount of Rs. 2 crores was agreed and initially, earnest money of Rs. 1 crore and later Rs.50 lakhs was paid to the accused. When the date of execution of sale deed approached, repeated extension of time was sought by accessed. Later it transpired that the said property had been mortgaged with M/s. Capri Global Capital Ltd., a financing company and the title deed of the property had been deposited with it. Accordingly, the sale could not fructify. Consequently, a civil suit was filed by the complainants. In the meantime, the parties entered into a settlement agreement dated 16th May 2024, which is on record of this Court.

3. As per the settlement, the petitioner-accused agreed to recompense the complainants of the monies which he had been obtained from them. In lieu of compensation, 2 plots have been registered in favour of complainants and payment of Rs.25 lakhs has also been made. This is confirmed by the counsel for complainants as well as son of complainants, who is present in Court today.

4. In addition, 4 post-dated cheques dated 7th October 2024, amounting to Rs.1,07,28,640/- have been presented. Counsel for complainants states that there is no objection to grant of interim bail to accused-petitioner, in the meantime so that these cheques are presented and honoured.

5. Pursuant to the order of production, accused is present in the Court, escorted from judicial custody. He undertakes to comply with the terms of settlement arrived at with the complainants. Accordingly, his undertaking is taken on record.

6. In these facts and circumstances, petition is allowed and petitioner is granted interim bail for a period of 90 days from the date of his release



subject to the following conditions.

- i. Petitioner is granted interim bail for a period of 90 days from the date of release on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:
 - ii. Petitioner will not leave the country without prior permission of the Court.
 - iii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
 - iv. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
 - v. Petitioner shall join investigation as and when called by the IO concerned.
 - vi. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.
 - vii. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the victim/complainant or any member of the victim/complainant's family or tamper with the evidence of the case.
7. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
8. Accordingly, the application is disposed of along with pending



applications, if any.

9. Copy of order be given *dasti* under the signature of Court Master.
10. Order be uploaded on the website of this Court.

JULY 16, 2024/sm

ANISH DAYAL, J