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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2122/2024**
MAYANK GULATI

.....Petitioner
Through: Mr. Rahul, Sharma, Mr. Kshitij Goel,
Mr. Ajay Goel, Mr. Arun Hooda, Mr.
Shobhit Mittal, Mr. Akshay Lakra,
Mr. Ajay Dahiya Ms. Divya Mr.
Aditya, Ms. Kusum, Mr. Gaurav
Bharti and Mr. Vasuchit Anand,
Advocates.

versus

STATE GOVT. OF NCT DELHI & ANR.

.....Respondent
Through: Mr. Hemant Mehla, Ld. APP for State
with SI Manisha P.S. Punjabi Bagh.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
30.07.2024

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1. A Petition under section 438 of the Code of Criminal Procedure 1973, has been filed on behalf of the petitioner Mayank Gulati seeking anticipatory bail in case FIR No.804/2023 registered under sections 420/468/471/120-B of Indian Penal Code 1860 at Police Station Punjabi Bagh.
2. It is submitted in the petition that the instant FIR has been registered on the basis of a complaint filed by his biological mother to the extent that in the year 2023 she came to know that she has been roped in the loan application for grant of home loan, as a guarantor, showing herself to be



completely unaware of what had been entered into and executed between the petitioner and the bank. However, the loan had been granted in the year 2021 and no forgery of any kind had taken place while availing the loan assistance from the bank. The petitioner and the complainant failed to pay the regular EMI against the loan facility and the bank initiated the proceedings under Sarfaesi Act.

3. The petitioner approached DRT, but did not get any relief and ultimately the house which was mortgaged against the loan, has been auctioned and bank had recovered all its money. The complainant and her husband had pardoned the petitioner having no grievance against him. The petitioner filed an anticipatory bail application before the learned ASJ, Tis Hazari, Delhi, but the same was dismissed vide Order dated 17.05.2024. Hence, the present petition has been filed seeking Anticipatory Bail.

4. Learned counsel for the petitioner submits that in terms of the earlier Order dated 19.06.2024 the petitioner has not only joined the investigations but also has fully cooperated and given the specimen signatures of his hand writing.

5. Learned Prosecutor for the State has opposed the bail and submits that the petitioner has obtained the signatures of her biological mother fraudulently for securing the home loan and has thereby cheated his own parents. He further submits that there is no ground for grant of anticipatory bail and the petition is liable to be rejected.

6. **Submissions heard.**

7. Considering that the petitioner has already joined the investigations and no custodial interrogation is sought at this stage, it is directed that in the event of arrest, the applicant be released on bail subject to him furnishing a



personal bond in the sum of ₹40,000/- with one surety of like amount to the satisfaction of the Arresting Officer/Investigating Officer/SHO of the concerned Police Station and also subject to the following further conditions:-

- (i) The applicant shall provide the mobile number, which he undertakes to keep operational at all times during the pendency of the trial.
 - (ii) The applicant shall join the investigation as and when asked.
 - (iii) The applicant shall inform the concerned Investigating Officer about his current residential address.
 - (iv) In case of change of residential address/contact detail, the applicant shall promptly inform the same to the concerned Investigating Officer/SHO.
 - (v) The applicant shall not directly or indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
 - (vi) The applicant shall regularly appear before the trial Court.
8. The application is disposed of in the above terms.

NEENA BANSAL KRISHNA, J

JULY 30, 2024/va