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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2163/2024 & CRL.M.A. 18545/2024**

RAJESH MANN

.....Petitioner

Through: Mr. Pradeep Kumar Arya, Mr. Pradeep Kumar Saini, Mr. Harinder Singh, Mr. Ravinder Singh, Mr. Gaurav Chaudhary, Mohd. Farman, Mr. Aditya Kumar Yadav, Mr. Varun Jawla, Mr. Anubhav Rathi, & Mr. Vaibhav Chaudhary, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC for the State with Ms. Anvita Bhandari, Ms. Charu Sharma, Mr. Arjit Sharma & Mr. Vaibhav Vats, Advs with SI Dilkush, PS: K.N. Katju Marg. Mr. Anurag Gautam, Mr. Neeraj Dahiya, Mr. Chirag Gulati, Mr. Sahil Chouhan, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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31.07.2024

BAIL APPLN. 2163/2024

1. By this petition the petitioner seeks bail in FIR 187/2024 under Sections 386, 120B IPC (later converted to section 387, 120B IPC) registered at P.S. K.N. Katju Marg.
2. The petitioner has been in custody since 10th June 2024 and the charge sheet has already been filed. The co-accused Prem Chhabra has been granted interim protection by this Court by order dated 14th June 2024 and has been



extended by this Court by order of today.

3. The allegation is on the complaint of one Amit Chauhan who alleged that he was being extended threats by Prem Chhabra to withdraw his complaints and cases against him. He further states that the threats are to buy Prem Chhabra 's share out of a joint property owned in partnership with his former partner Prem Chhabra or sell his share to Chhabra.

4. The complainant mentions that the partnership has already been dissolved and the said Prem Chhabra is causing him wrongful loss and coercing and threatening him. He alleges that such calls were received by him from the jail by through one Ankit Mann on 12th April 2024, 25th April 2024, putting pressure on the complainant to sell his share in the property or buy the share of Prem Chhabra.

5. It is stated in the FIR that Ankit Mann mentioned that he is the younger brother of Rajesh Mann, petitioner herein, apparently a partner with Prem Chhabra and a long-term business associate.

6. On this basis, the FIR was registered and the petitioner was arrested. The charge sheet has already been filed, which the Court has perused. Status report has also been filed, which places various aspects of the investigation on record.

7. The counsel for the petitioner asserts that the perusal of the FIR would clearly show that there is no specific allegation made against the petitioner, and the allegations relating to extortion and threatening calls are against Ankit Mann, who is already in custody in some other offences.

8. Further, the status report as well does not state that there is any direct role of the petitioner herein, except that some calls were received by Rajesh Mann from Ankit Mann.



9. The status report places the CDR analysis of these various calls, basis which Ankit Mann was formally arrested at the UTP office, Mandoli Jail No.11, Delhi.

10. The petitioner filed an anticipatory bail application before this Court, which was withdrawn *vide* order dated 27th May 2024.

11. It is stated in the status report that on 10th June 2024, the petitioner joined the investigation, but was subsequently arrested on 11th June 2024.

12. Subsequently, now since the charge sheet has been filed and the investigation has concluded, the counsel for the petitioner states there is no purpose in keeping the petitioner in custody.

13. Additionally, certain facts have been brought to the attention of the Court, which relate to a prior complaint filed in March 2023 by petitioner regarding extortion and threat from *inter alia* Mr. Ajay Goel and Amit Chauhan, which was registered *vide* DD number 64A and yet another complaint regarding the presence of a stolen vehicle outside the petitioner's house, which was registered *vide* DD number 56A.

14. Subsequently, in August 2023, the petitioner filed an application under Section 156 (3) Cr.P.C., *inter alia* against Mr. Ajay Goel and Mr. Amit Chauhan, which has now been allowed by order of the Ld. M.M. on 21st May 2024, against which a criminal revision has been filed by the co-accused Mr. Ajay Goel before this Court and is pending.

15. There is also a mention of an FIR 201/2024 under Section 387 / 120B against Amit Chauhan and Ajay Goel, which has been registered by the PS Special Cell.

16. Also, it is noted that by order dated 7th March 2024, the nephew of Mr. Prem Chhabra was granted protection by the Court, pursuant to these



allegations of extortion being received by the nephew of petitioner.

17. Considering the overall conspectus of facts and circumstances, this Court is of the opinion that no purpose would be served in continuing the custody of the petitioner. The investigation has concluded, charge has been filed and the trial has to progress.

18. Mr. Bhandari, Ld. ASC states that some other investigation may need to be carried out and a supplementary charge sheet may be necessitated and for that purpose the petitioner ought to join and cooperate in the investigation.

19. Counsel for petitioner on instructions from the petitioner states that he shall fully cooperate and join the investigation as and when summoned by the IO for any subsequent investigation.

20. In light of the above, and that the trial in the matter is likely to take some time, and it would not be prudent to keep the petitioner behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioner. Consequently, the petitioner is directed to be released on bail on furnishing a personal bond in the sum of Rs. 1,00,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioner will not leave the country without prior permission of the Court.
- ii. 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.
- iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- iv. Petitioner shall join investigation as and when called by the IO



concerned.

- v. 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.
 - vi. Petitioner will mark presence physically/virtually before the concerned I.O. every Friday between 4 -5 p.m.
 - 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 complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.
21. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.
22. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
23. Copy of the order be given *dasti* under the signature of the Court Master.
24. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.
25. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JULY 31, 2024/RK