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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 2363/2024, CRL.M.(BAIL) 1125/2024
MEDUVIL NALAKATH MOHAMED ASHRAF MOHAMED
ASHRAFPetitioner
Through: Mr.Ajit Nair, Mr.Akash Deep and
Modh Ishaq, Advocates.

versus

STATE THROUGH SHO PS DWARKA SOUTHRespondent
Through: Ms.Manjeet Arya, APP for the State
with SI Prabhakaran and HC
Nagendra Singh, P.S. Dwarka South.
Mr.Nishant Datta, Mr.Pradeep
Bhardwaj, Mr.Chirag Rathi and
Mr.Kunal Sejwal, Advs. for
complainant.

+ BAIL APPLN. 2364/2024, CRL.M.(BAIL) 1127/2024
SAMEERA SAMEERA MOHAMED ASHRAF NEELIYATT
.....Petitioner
Through: Mr.Ajit Nair, Mr.Akash Deep and
Modh Ishaq, Advocates.

versus

STATE THROUGH SHO PS DWARKA SOUTHRespondent
Through: Ms. Manjeet Arya, APP for the State
with SI Prabhakaran and HC
Nagendra Singh, P.S. Dwarka South.
Mr.Nishant Datta, Mr.Pradeep
Bhardwaj, Mr.Chirag Rathi and
Mr.Kunal Sejwal, Advs. for
complainant.

+ BAIL APPLN. 2366/2024, CRL.M.(BAIL) 1128/2024
RIYAS ERANHIKKAL (RIYAS E)Petitioner
Through: Mr.Ajit Nair, Mr.Akash Deep and
Modh Ishaq, Advocates.

versus



STATE THROUGH SHO PS DWARKA SOUTHRespondent

Through: Ms. Manjeet Arya, APP for the State
with SI Prabhakaran and HC
Nagendra Singh, P.S. Dwarka South.
Mr.Nishant Datta, Mr.Pradeep
Bhardwaj, Mr.Chirag Rathi and
Mr.Kunal Sejwal, Advs. for
complainant.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **23.10.2024**

1. Three separate applications under Section 482 read with Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 ('BNSS') have been preferred on behalf of petitioners for grant of anticipatory bail in FIR No.0152/2024, under Sections 420/34 IPC registered at P.S. Dwarka South.
2. In brief, as per the case of prosecution, present FIR was registered on complaint of one Tarun Jawa, Director of Black Granites Pvt. Ltd. who alleged that an Exclusive Mining Output Agreement dated 01.02.2023 was signed with the firm of Md. Ashraf, namely, M/s Lapides Rock LLP to give Black Granite Pvt. Ltd. the exclusive right of Export Quality Granite Blocks being extracted from the Quarry situated at Andhra Pradesh. Further a sum of Rs.50,00,000/- was advanced but no blocks were provided pursuant to the aforesaid agreement. After discussion, a cheque for sum of Rs.50,00,000/- was issued by accused towards the refund of advance amount, but the same was dishonoured.
3. During the course of investigation, Quarry No.1099/5, Theertham Village Kaigal Baireddipalli Mandal, Chittoor District, Andhra Pradesh was



found to be closed and the local office of the firm (Lapid Rocks at Chittoor Andhra Pradesh) was also found to be locked.

4. Learned counsel for the petitioners submits that petitioners had been dealing with the complainant and goods worth Rs.60,00,000/- were delivered from 22.08.2022 till 27.02.2023. He further submits that an amount of Rs.50,00,000/- which was paid by complainant, also included the earlier amount which was due. He further submits that process of mining had been initiated but the quality of stone extracted from the quarry was not upto the satisfaction of the complainant and the aforesaid process continued till 2023. He further prays that petitioners may be permitted to sell the granite extracted from the quarry as the entire funds stand blocked.

At this stage, learned counsel for petitioner also offers to deposit a sum of Rs.20,00,000/- (Twenty Lac Only) with the learned Trial Court to show their *bona fide* without prejudice to the rights and contentions of the petitioners.

5. Learned counsel for the complainant alongwith learned APP for the State oppose the applications for anticipatory bail. Learned counsel for complainant submits that he has no objection to the grant of anticipatory bail, in case, petitioners are willing to deposit Rs.25,00,000/- and abide by the statement made in this Court, failing which the privilege of anticipatory bail would stand withdrawn. He further submits that blocks mined from the quarry are subject to the terms and conditions of agreement and need to be accordingly dealt.

6. Petitioners have already joined investigation and disputes are primarily governed by the terms of agreement. Considering the totality of the facts and circumstances, in the event of arrest, petitioners be admitted to



bail on furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like amount to the satisfaction of IO/SHO, P.S. concerned and subject to deposit of Rs.20,00,000/- (Rupees Twenty Lacs Only) with the learned Trial Court within four weeks, which shall be fixed deposited in an interest bearing FDR on auto renewal basis. The same is without prejudice to the rights and contentions of the parties and further, the said amount shall not be released, without specific orders of this Court. In case, aforesaid amount is not deposited within a period of four weeks with the learned Trial Court, orders for anticipatory bail shall stand withdrawn. Petitioners are also directed to join the investigation as and when required.

Applications are accordingly disposed of.

A copy of this order be kept in connected applications and be also forwarded to the learned Trial Court for information and compliance.

ANOOP KUMAR MENDIRATTA, J.

OCTOBER 23, 2024/v