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

+ **BAIL APPLN. 2368/2024**

KAILASH CHAND

.....Petitioner

Through: **Mr. Lohit Ganguly and Mr. Ajay Kumar, Advocates.**

versus

THE STATE (GNCT OF DELHI)

THROUGH SHO PS NARELA DELHI

.....Respondent

Through: **Mr. Aashneet Singh, APP for State
Mr. Hariom, Advocate (through VC)
for the complainant.**

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

12.08.2024

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1. The present application has been filed by the applicant/petitioner seeking anticipatory bail in FIR No. 346/2024 registered under Sections 406/506/34 IPC at P.S. Narela, Delhi.
2. Mr. Lohit Ganguly, learned counsel appearing for the applicant states that the present case relates to a commercial dispute in respect of which the complainant has also preferred a commercial suit for recovery. He further submits that the applicant is 80 years of age and that the parties are known to each other, having worked together on commodities selling for generations. He also submits that as per the case of the applicant, the parties have a running account and that no dues are pending therein. He further states that the applicant has already joined investigation.
3. The application is opposed by learned APP for the State, duly assisted by learned counsel for the complainant. It is stated that in the present case, the dispute relates to allegations of non-payment of money of around



Rs.11.93 lacs. It is further stated that besides the present FIR, there are other two FIRs of a similar nature pending against the applicant, lodged at the instance of different complainants. He, on instructions, further submits that the applicant has joined investigation and has also provided the documents asked for under Section 91 Cr.P.C. It is stated that the present FIR has been registered under Sections 406/506/34 IPC.

4. I have heard learned counsel for the parties and perused the record.

5. As per the allegations, the applicant is stated to be a trader. It is also not disputed that the parties were having long-standing commercial relations and a running account. The complainant has already initiated civil proceedings against the applicant for recovery of the amount. Further, the applicant has already joined investigation.

6. Keeping in view the aforesaid facts and circumstances and considering the age of the applicant and the fact that he has already joined investigation, it is directed that in the event of arrest, the applicant be released on bail subject to his furnishing a personal bond in the sum of ₹25,000/- 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) At the time of furnishing bail bond, 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 addresses/contact details, 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.
7. The application is disposed of in the above terms.
8. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

MANOJ KUMAR OHRI, J

AUGUST 12, 2024/rd