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

\+ BAIL APPLN. 3549/2023

DORI LAL ..... Applicant

Through: Mr.Dhruv Bhagat and Mrs.Meenu Sethi, Advs.

versus

STATE & ANR. ..... Respondents

Through: Mr.Aman Usman, APP with Insp. Praveen Vats
Mr.Jai Prakash and Ms.Gyanpreet Kaur, Advs. for Complainant along with Complainant in person.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

O R D E R

% **29.04.2024**

1. This application has been filed under Section 438 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') praying for grant of anticipatory bail to the applicant in FIR No.475/2021 registered at Police Station: Sector-23, Dwarka, Delhi under Sections 420/468/471/120B of the Indian Penal Code, 1860 (in short, 'IPC').

2. The above FIR has been registered on a complaint from Dr. Ram Chander who alleged that he is the registered owner of the property bearing no. 401B, Sector-19, Dwarka, New Delhi admeasuring 175 sq. yards. He stated that he had purchased and built the said property after obtaining bank loans by mortgaging the same with PNB Bank, Kailash Nagar, Delhi. On 05.10.2021, when his wife-Mrs.Anita had visited the property, she found a Notice dated 04.10.2021 affixed on the property threatening to take the possession of the same for the non-payment of a loan liability towards PNB, CR

Park, New Delhi. He alleged that some persons have colluded with the bank officials, and by fraudulently mortgaging the said property, obtained a loan of Rs.2 crores from PNB, Bhikaji Cama Place, CR Park, New Delhi.

3. During the course of investigation, it has been found that certain amounts obtained by the main accused, Ravi Kumar Gahlot, were also transferred in the bank account of the applicant.

4. The learned counsel for the applicant submits that the amount so transferred in the bank account of the applicant, was transferred back to the account of the main accused. He further submits that the account was being managed by the main accused, his son, and even the registered phone number for the bank account was that of his son. He submits that the applicant was, therefore, not aware of the dealings in the said bank accounts. He further submits that the applicant is a 75 year old man and is suffering for several health issues as well.

5. This Court by its Order dated 10.10.2023, had directed that, on the applicant joining the investigation, no coercive steps shall be taken against the applicant. The said order has been continued thereafter.

6. The learned APP points out that the investigation is still ongoing and the main accused is in custody.

7. Keeping in view the age of the applicant and the nature of allegations against him, it is directed that in the event of arrest in the above FIR, the applicant shall be released on bail subject to furnishing a personal bond in the sum of Rs.25,000/- with one local surety of the like amount to the satisfaction of the IO/Arresting Officer/ SHO concerned, and further subject to the following conditions:

(i) that the Applicant shall join investigation as and when called by the IO concerned.

(iii) that the Applicant shall not leave NCT of Delhi without intimating the IO/SHO;

(iv) that the Applicant shall not, directly or indirectly, try to contact/influence the complainant/victim or any other witness(s) or tamper with evidence of the case;

(v) that the Applicant shall furnish his mobile phone/landline number, 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) that the Applicant shall provide his residential address to the IO/SHO concerned, and in the event of any change of the same, will immediately inform the same to the IO/SHO; and,

(vii) that the Applicant shall not indulge in any criminal activity.

8. Needless to state, any observation touching upon the merits of the case is purely for the purposes of deciding the question of grant of Anticipatory Bail and shall not be construed as an expression on the merits of the matter.

9. The Application is disposed of in the above terms.

NAVIN CHAWLA, J

APRIL 29, 2024/ns/am

Click here to check corrigendum, if any