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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3636/2023**

RUI AVILA

..... Petitioner

Through: Mr. Raghav Sharma, Advocate.

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through: Mr. Laksh Khanna, APP for State.
Mr. Sunil Dalal, Sr. Advocate with
Mr. Vijay Aggarwal and Mr. Navish
Bhati, Advocates for Complainant.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

16.04.2024

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1. By way of present application, filed under Section 438 Cr.P.C, the applicant seeks anticipatory bail in FIR No. 65/2022 registered under Sections 420/465/467/468/471/120B/406/409 IPC at P.S. Tilak Marg, Delhi.
2. Learned counsel for the applicant states that in the present case complainant had filed a complaint with respect to a sale transaction of a property situated in Village Moira, Taluka Bardez, District North Goa, Goa. It is submitted that the parties never reached a final settlement and had only agreed to enter into an agreement. He further states that as per the complaint itself, the complainant had handed over a cheque of Rs.2.70 lacs however, the same was never presented by the applicant. He also states that the allegations with respect to showing forged and fabricated documents on 'Zoom Meeting' by the applicant is also not substantiated as no such



document was either seized or recovered during the investigation. It is further stated that the complainant had also preferred a suit for specific performance of the oral agreement as well as injunction however, application seeking temporary injunction was dismissed by the Trial Court which was affirmed by the High Court as well as the Supreme Court. Lastly, it is submitted that the applicant has joined the investigation.

3. Mr. Khanna, learned APP for the State, on instructions from the I.O., submits that investigation in the present FIR is complete and the custodial interrogation of the applicant is not required. He further submits that charge-sheet is likely to be filed. Learned APP also submits that though the proceedings under Section 82 were initiated against the applicant, however, the same were later on quashed by this Court vide order dated 15.03.2024 passed in CRL.M.C. 2105/2024.

4. Mr. Aggarwal, learned counsel for complainant states that applicant has induced the complainant into an agreement for purchasing of a property in Goa which led to the handing over of cheque of Rs.2.70 lacs by the complainant to the applicant. He further submits that though the transaction also included handing over cash amount, however, he concedes that there is no receipt for the same.

5. Considering the totality of the facts and circumstances and the fact that applicant has already joined the investigation and his custodial interrogation is not required and the charge-sheet is likely to be filed, 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 ₹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 he is asked for.
 - (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 as and when the charge sheet is filed.
6. The application is disposed of in the above terms.
7. 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

APRIL 16, 2024

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