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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 3502/2022

SHAILESH NATH TIWARI

..... Applicant

Through: Mr. V. K. Singh, Adv.
(through VC)

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Mukesh Kumar, APP for
the State with Mr. Sahil, Adv.
with SI Jatan Singh, PS North
Avenue.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

26.04.2024

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1. The present bail application is filed under Section 438 of the Code of Criminal Procedure, 1973 (CrPC) seeking grant of pre-arrest bail in FIR No. 25/2019 dated 27.06.2019, registered at Police Station North Avenue, for offences under Sections 420/468/471/34 of the Indian Penal Code, 1860 (IPC).

2. The FIR was registered on a complaint given by the complainant alleging that he was cheated for a total sum of ₹91,60,000/-, on the pre-text of getting a gas agency / petrol pump under VIP (Ex-Service men) quota, by the applicant and other accused persons.

3. It is alleged that the applicant posed himself as someone with political contacts, and promised the Complainant to get a gas agency / petrol pump allotted. The applicant is alleged to be beneficiary of ₹45,75,000/- of the cheated amount.

4. It is not in dispute that even though allegations have been made against the applicant, in the complaint dated 16.07.2018, which led to registration of the present FIR dated 27.06.2019, no allegations were made against the applicant in the application which was filed by the complainant subsequently on 26.03.2019, under Section 156(3) of



the CrPC. On the delay of registration of FIR, complainant had filed an application under Section 156(3) of the CrPC before the learned Metropolitan Magistrate. In the application under Section 156(3) of the CrPC, complainant alleged that he was induced by the co-accused, namely, Aslam Khan, who introduced himself as a Public Relation Officer to the President of Bhartiya Janta Party, and that he can get licenses for operating petrol pump(s) and gas agency(s) in the name of the complainant. The complainant further alleged that he had made payments to co-accused Aslam Khan, in the bank accounts as per his instructions, on the basis of the alleged forged documents / letters, being shown, with respect to the complainant's approval for the petrol pump / gas agency license.

5. It is apparent that contrary stand was taken by the complainant.

6. It is further not disputed that the applicant and co-accused persons have joined investigation and the investigation is stated to be almost complete.

7. The learned Investigating Officer, who is present in person, states that chargesheet would be filed within a short period of time.

8. The evidence, in the present case, seems to be documentary in nature, which is in possession of the State.

9. No useful purpose would be served by allowing custodial interrogation of the applicant.

10. In view of the above, the applicant, in the event of arrest, is directed to be released on bail on furnishing a personal bond of ₹50,000/- with one surety of the like amount subject to the satisfaction of the concerned SHO, on the following conditions:

- i. The applicant shall join and cooperate with investigation as and when directed by the Investigating Officer;
- ii. The applicant shall not leave the country without the permission of the learned Trial Court;



- iii. The applicant shall not contact the complainant or tamper with the evidence in any manner;
- iv. The applicant shall give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;
- v. The applicant shall appear before the learned Trial Court on every date of hearing;
- vi. The applicant shall not in any manner contact the complainant or any of the witnesses.

11. In the event of there being any FIR/DD entry / complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

12. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the Trial and also not be taken as an expression of opinion on the merits of the case.

13. The bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

APRIL 26, 2024 / 'KDK'