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

+ **BAIL APPLN. 3781/2023**

NARESH CHOUDHARY Applicant

Through: Mr. Abhishek Sisodia,
Adv.

versus

STATE THROUGH SHO P.S
CONNAUGHT PLACE

..... Respondent

Through: Mr. Mukesh Kumar, APP
for the State with Ms.
Aanchal, Adv. with SI
Karan Pal, DIU/NDD.
Mr. Anjani Kumar Mishra,
Adv. for the complainant
(through VC).
Mr. Praveen Mishra, Mr.
Arun Kumar, Ms. Hardeep
Kaur Mishra and Ms.
Sandhya Pandey, Advs.
for the complainant.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

23.04.2024

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1. The present bail application is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail in FIR No. 40/2020 dated 02.07.2020, registered at Police Station Connaught Place, for offences under Sections 420/468/471 of the Indian Penal Code, 1860.

2. It is alleged that the complainant found out in the year 2012 that the applicant had sold the property belonging to the complainant in the year 2011 by committing cheating and forgery.

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3. This Court, by order dated 13.12.2023, had directed the State not to arrest the applicant till the next date of hearing.
4. Thereafter, this Court, by order dated 18.01.2024, noted that the complainant had admittedly taken a sum of ₹10,00,000/- from the applicant. This Court had also noted the argument advanced by the learned counsel for the applicant that the property, at that point in time, was not valued more than ₹10,00,000/-.
5. The learned counsel for the applicant submits that the present FIR was registered as a counterblast in order to pressurize the applicant who had in the year 2011 filed a complaint against the husband of the complainant.
6. He submits that the documents in relation to the property in question were executed by the complainant in order to secure the repayment of the admitted loan taken by the complainant's husband.
7. It is an admitted case of the complainant that the husband of the complainant had taken a loan of ₹10,00,000/- from the applicant and the same had not been repaid. The complainant had alleged that the applicant had taken signatures on certain blank papers and also the original documents of the property in dispute for mortgage to secure the refund of money taken by the complainant's husband.
8. The property in question was purchased by the complainant in the year 2009 for a sum of ₹9,00,000/-. It is also pointed out that in the year 2011, the applicant filed a complaint against the husband of the complainant which led to registration of FIR, the proceedings in relation to which are since pending.
9. It is not in dispute that the complainant came to know about the property being sold by the applicant to the third party



in the year 2012. The case of the complainant is that the applicant took certain signed blank papers, however, it is not disputed that a sum of ₹10,00,000/-, which is more than the consideration paid by the complainant for the purchase of the property in question, had been received by the complaint's husband from the applicant in the year 2010.

10. Nothing has been brought on record, at this stage, to show that the value of the property in question in the year 2011, as contended by the learned counsel for the complainant on an earlier occasion, was ₹30,00,000/-.

11. Admittedly, all the documents are in possession of the State.

12. The purpose of custodial interrogation is to aid the investigation and is not punitive. The applicant has joined the investigation and custodial interrogation of the applicant in the opinion of this Court is not required.

13. In view of the above, in the event of arrest, the applicant is directed to be released on bail on furnishing a personal bond of ₹20,000/- 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.



14. 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.

15. 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.

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

AMIT MAHAJAN, J

APRIL 23, 2024

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