



\$~5

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2690/2024**

DEEPA BATRA

.....Petitioner

Through: **Mr. Amique Khalid, Advocate.**

versus

STATE OF NCT OF DELHI

.....Respondent

Through: **Mr. Laksh Khanna, APP for State
with SI Naresh Kumar, P.S. Dabri.
Mr. D.N. Jaiswal, Ms. Anukriti Gupta
and Mr. Abhay Gupta, Advocates for
complainant.**

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

26.09.2024

%

1. By way of the present application, the applicant seeks an anticipatory bail in FIR No. 0289/2022 registered under Sections 420/34 IPC at P.S. Dabri, Dwarka, Delhi.
2. Learned counsel for the applicant submits that there is no privity of contract between the applicant and the complainant, inasmuch as, as per the complaint case, the complainant had initially approached one *Rakesh Sharma @ Babbu* and *Pankaj Arora* for the purchase of a property located in Dwarka. Subsequently, the complainant claims to have paid an earnest sum of Rs.8 lacs, whereafter he was introduced to one *Vipin Gupta (since deceased)*, the owner of the said property to which he claims to have further paid a sum of Rs.45 lacs by way of RTGS. It is stated that once the aforesaid deal couldn't come through as the property was lying mortgaged, the



aforesaid persons introduced the complainant to the present applicant. It is stated that the applicant's property was also lying mortgaged and for which purpose on the complainant's assurance to work out, General Power of Attorney (GPA) was executed. He further submits that there is neither any Agreement to Sell nor any sale deed executed by the applicant. Lastly, it is stated that the applicant after being granted interim protection, has joined the investigation on multiple occasions.

3. The present bail application is opposed by the Ld. APP for the State who is duly assisted by ld. counsel for the complainant. It is stated that the applicant has executed a GPA on 31.08.2017 in favour of the complainant to deal with her property at Rajinder Nagar. It is stated that the applicant has also been paid a sum of Rs.7 lacs in cash however, there is no receipt of the same, although the amount is mentioned in the GPA. Further, the complainant was also induced to further pay a sum of Rs.15 lacs to the Bank for the purchase of property at Dwarka. Complainant in all has paid a total sum of Rs.75 lacs. Further, it is also stated that though the applicant has only executed a GPA and immediately thereafter, she transferred the said property to her daughter, *Komal Arora*, who had entered into Agreement to Sell with the present applicant and also executed an agreement showing receipt for a sum of Rs.60 lacs.

4. Concededly, the documents executed by the daughter of the applicant do not have the applicant's signatures as a witness and the money is statedly received by the applicant's daughter only. Considering that the documents executed in favour of the complainant have not been executed by the applicant nor cited her as a witness, the interim protection granted to the applicant vide order dated 21.08.2024 is made absolute and it is directed that



in the event of arrest, the applicant be released on an anticipatory bail subject to her 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 she undertakes to keep operational at all times during the pendency of the trial.
- (ii) The applicant shall join the investigation as and when, she is asked for.
- (iii) The applicant shall inform the concerned Investigating Officer about her current residential address.
- (iv) In case of change of residential address/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 as and when the charge sheet is filed.

5. The application is disposed of in the above terms alongwith pending applications.

MANOJ KUMAR OHRI, J

SEPTEMBER 26, 2024

ga