



\$~7

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

+ **BAIL APPLN. 2768/2024**

MUKESH KUMAR

.....Petitioner

Through: Mr. Mohit Mathur, Sr. Adv. with Mr. Rajesh Mishra, Mr. Vijay Chandra Jha, Mr. Tushant, Mr. Meenal Duggal, Mr. Vignesh and Mr. Rajesh Kumar, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for the State.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

30.09.2024

%

1. This petition has been filed seeking regular bail in FIR No.28/2021 PS Crime Branch under Sections 420/4467/468/471/34/120B.
2. Mr. Mohit Mathur, Senior Counsel for the petitioner points out that this Court had granted bail to a co-accused Sanjay Saini on 06th September, 2024 in Bail Application No.4167/2023.
3. It is also noted that other co-accused, namely, Shiv Nandan Pareek, Sanjiv Anand, Sanjay Soneja, Raj Kumar Soneja, Vinay Goel, Rishi Sachdeva, Rajat Jain and Deepak Malhotra have been released on bail, while Baldev Raj Arora is absconding.
4. Senior counsel for the petitioner seeks bail on the ground of not only parity, but also on the fact that there are no other allegations in the FIR, relatable to the petitioner, that he was involved in the alleged impersonation



of Ramesh Kapoor for execution of the sale deeds for the property bearing No.78, Bhera Enclave, Paschim Vihar, New Delhi. It was on the basis of these bogus sale deeds, that loans were taken by various accused *inter alia* from LIC Housing Finance Limited, Punjab National Bank and Canara Bank. The petitioner, as per the status report, is involved in the loan of Rs.1.41 Crores taken from Punjab National Bank, out of which amounts were transferred to his entities held by the petitioner, in the name of Muskan International.

5. It is further confirmed by the APP for the State that these accounts have been identified and no transactions are being permitted on the said accounts.

6. Senior counsel for the petitioner also contends that, therefore, the allegations under Section 468/471/467 IPC strictly don't apply to the petitioner, considering the only allegation as per the FIR is that amounts which were taken on loan from PNB were transferred to his accounts and, therefore, he was an alleged beneficiary.

7. The petitioner has been incarcerated since 07th September, 2021. There are previous involvements of the petitioner in FIRs being No.255/2018, No.307/2020 and No.172/2020 to which the senior counsel for the petitioner states that he is on bail. As far as FIR No.374/2023 is concerned, senior counsel for the petitioner states that this was lodged while the petitioner was in custody and he has not secured bail in the said matter.

8. In these circumstances, the petitioner is granted bail on the following conditions.

9. In light of the above, and that the trial in the matter is likely to take some time, and it would not be prudent to keep the petitioner behind bars for



an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioner. Consequently, the petitioner is directed to be released on bail, if not required in any other matter, on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioner will not leave the country without prior permission of the Court.
- ii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- iv. Petitioner shall join investigation as and when called by the IO concerned.
- v. Petitioner shall provide all mobile numbers to the IO concerned 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. Petitioner will mark presence physically/virtually before the concerned I.O. every Friday of each month at 4p.m. and will be not kept waiting for more than an hour.
- vii. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.



10. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.
11. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
12. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.
13. *Dasti.*
14. Order be uploaded on the website of this Court.

ANISH DAYAL, J

SEPTEMBER 30, 2024/MK