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

+ **BAIL APPLN. 4368/2023 & CRL.M.A. 35767/2023**

MR VIJAY DEEP

.....Petitioner

Through: **Mr. Harsh Jaidka, Advocate.**

versus

STATE NCT OF DELHI

.....Respondent

Through: **Ms. Richa Dhawan, APP for the State
along with SI Manish Phogat, P.S
Mehrauli.**

**Mr. Amit Chadha, Mr. Manish
Sharma, Mr. Harjas Singh Chhatwal,
Advocates.**

**Mr. Ajay Chadhary, Mr. Madhav
Chaudhary and Mr. Siddhant
Grandas, Advocates for R-4 and R-5.**

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

28.10.2024

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1. The instant application under Section 482 of the Bharatiya Nyaya Suraksha Sanhita, 2023 ("BNSS" hereinafter) [earlier Section 438 of the Code of Criminal Procedure, 1973("Cr.P.C" hereinafter)] has been filed by the petitioner seeking grant of anticipatory bail in FIR bearing No. 655/2023 dated 4th November, 2023, registered at Police Station Mehrauli, New Delhi for the offences punishable under Sections 420/34 of the Indian Penal Code, 1860 ("IPC" hereinafter).

2. Briefly stated, the factual background of the present case is that the complainants herein filed an application under Section 156(3) of the Cr.P.C



before the Court of the learned M.M, South District, Saket Courts, Delhi, wherein the learned M.M *vide* order dated 1st November, 2023, directed the concerned SHO at Police Station Mehrauli to register the present FIR within 7 days.

3. Learned counsel for the petitioner submitted that the complainants as well as the accused/petitioner herein are real brothers and they were the Directors in the company namely M/s Deep Brother Pvt. Ltd. It is submitted that as per the allegations in the complaint, the petitioner, in connivance with other co-accused, deliberately and intentionally created forged and fabricated documents by forging signatures of the complainants and the other Directors on the resignation letter. It is submitted that it has also been alleged therein that on the basis of the forged share transfer certificate, the petitioner has also transferred the shares of their mother, i.e., Smt. Dayawati in his favour and in favour of the co-accused namely, Sunanda. It is alleged in the complaint that the said shares were transferred 8 years after the death of Smt. Dayawati.

4. It is submitted that the aforesaid allegations made in the complaint filed by the complainants are false and fabricated and he has not committed any offence as alleged in the complaint.

5. It is submitted that the petitioner is cooperating with the investigating agency and the allegations levelled against him by the complainants in the said complaint is on the basis of documentary evidence. It is also submitted that several attempts were made to reconcile the matter through mediation process, however, all the said efforts in the mediation process failed. It is further submitted that the petitioner has duly submitted all the documents as required by the investigating agency.



6. It is submitted that there is no requirement for the custodial interrogation of the petitioner by the investigating agency. Furthermore, there is no history of previous involvement of the petitioner in any criminal case and he has clean antecedent. At this stage, learned counsel appearing on behalf of the petitioner has submitted that he is not pressing the prayer (b) of the instant application and the petitioner undertakes to cooperate in further investigation as and when required by the investigating agency.

7. Therefore, it is submitted that in view of the above facts and circumstances, it is prayed that the reliefs be granted as prayed for.

8. *Per contra*, learned APP appearing on behalf of the State submitted that there is no objection to the instant application seeking anticipatory bail as the petitioner is cooperating with the investigation, however, she has apprised this Court that as per the status report, the petitioner has failed to submit the required documents as instructed by the IO for further investigation process. It is further submitted that the said documents have now been submitted to the IO.

9. Learned counsel appearing on behalf of the complainant vehemently opposed the instant application and to further strengthen his arguments, he has placed reliance on the status report filed by investigating agency and submitted that the same reflects that the petitioner is not cooperating with the investigating agency and has failed to provide the relevant documents for proper adjudication. It is further submitted that the documents that have been allegedly submitted by the petitioner also require verification.

10. It is submitted that the complainants came to know about the aforesaid cheating and forgery in the year 2019 through their brother namely, Mr. Kirtideep and subsequently, they filed a complaint dated 27th



October, 2020 at Police Station- Mehrauli, however, no action was taken by the police, due to which, they filed an application under Section 156(3) of the Cr.P.C for the investigation of the present case.

11. It is further submitted that the allegations levelled against him are serious in nature and thus, the judicial custody of the petitioner is warranted for proper adjudication.

12. Learned counsel appearing on behalf of the complainants further submitted that the documents submitted by the petitioner must be examined by the FSL authority and thereafter, the FSL report may be taken on the record.

13. Heard learned counsel appearing on behalf of the parties and perused the contents made therein.

14. Keeping in view the arguments advanced by the learned counsel for the petitioner as well as the learned APP for the State, it is observed that the petitioner is duly cooperating with the investigating agency. It is further observed that as per the submission made by the learned APP, all the relevant documents as required by the IO have already been submitted by the petitioner and the averment made by the learned APP that the petitioner is not required for custodial interrogation has also been taken into consideration by this Court.

15. Therefore, bearing in mind the above stated facts and circumstances, the clean antecedent of the petitioner as well as the fact that there is no objection on behalf of the State, this Court is inclined to allow the present petition and grant protection to the petitioner.

16. Accordingly, it is directed that in the event of arrest, the petitioner be released on bail on his furnishing personal bond in the sum of **Rs.1,000,00/-**



(Rupees one Lakh only) with solvent surety of like amount to the satisfaction of the Investigating Officer subject to the conditions as follows:-

- a) he shall surrender his passport, if any, to the Investigating Officer and shall under no circumstances leave India without prior permission of the Court concerned;
- b) he shall cooperate in the investigation and appear before the Investigating Officer of the case as and when required;
- c) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- d) he shall provide his mobile number(s) to the Investigating Officer and keep it operational at all times;
- e) In case of change of residential address and/or mobile number, the same shall be intimated to the Investigating Officer/Court concerned by way of an affidavit.

17. With the aforesaid directions, the bail application stands disposed of.

CHANDRA DHARI SINGH, J

OCTOBER 28, 2024

rk/sm

Click here to check corrigendum, if any