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

+ BAIL APPLN. 3479/2024

AJAY PRATAP SINGH

.....Petitioner

Through: Mr. Shyam Manohar, Advocate.

versus

STATE (GOVT. OF N.C.T) OF DELHI

.....Respondent

Through: Mr. Laksh Khanna, APP for State
with SI Deepak, PS: Mayapuri.

Mr. Ajay Goyal and Ms. Jyoti
Sharma, Advocates for Complainant.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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05.11.2024

1. By way of present application, the applicant/petitioner seeks anticipatory bail in FIR No. 100/2023 registered under Section 420 IPC at P.S. Mayapuri, Delhi.

2. Learned counsel for the petitioner/applicant submits that pursuant to receipt of notice under Section 41-A Cr.P.C., the applicant has joined the investigation. It is further stated that the applicant has never received any amount as alleged in the FIR, as the complainant claims that the said amount was paid in cash. He submits that a sum of ₹6,00,000/- was received from one *Hemraj Gupta*, to whom the applicant has promised to provide gold coins, however, when he reached Ayodhya, the same was snatched by someone and an FIR No. 95/2023 in this regard was also registered under Sections 406/420 IPC at PS Ayodhya. The chargesheet in the said matter has also been filed.

He further submits that the applicant/petitioner is ready and willing to join the investigation in FIR No. 100/2023 registered under Section 420 IPC.



He submits that the alleged offence is under Section 420 IPC and is punishable upto 7 years and the rigors in this regard are squarely covered by the provision of Section 41A CrPC as well as the ratio of the Supreme Court in Arnesh Kumar v. State of Bihar reported as **(2014) 8 SCC 469**.

3. Learned APP for the State, on the other hand, has opposed the bail application and contends that there were multiple transactions between the applicant/petitioner and the complainant with *Hemraj Gupta* being a witness to one of them.

4. At this stage, learned counsel for the applicant, on instructions, states that applicant is already on bail in the aforesaid FIR.

5. Considering the afore-noted statements and that the applicant has already joined the investigation, it is directed that in the event of arrest, the applicant be released on anticipatory bail subject to him 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 he undertakes to keep operational at all times during the pendency of the trial.
- (ii) The applicant shall join the investigation as and when, he is asked for.
- (iii) The applicant shall inform the concerned Investigating Officer about his 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.

6. The application is disposed of in the above terms.

7. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

MANOJ KUMAR OHRI, J.

NOVEMBER 05, 2024/R