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

+ BAIL APPLN. 3547/2024

ANIL KUMAR SHARMA

.....Petitioner

Through: Mr. Viraj R. Datar, Sr. Adv. with Mr.
Manoj Singh and Mr. Srikant Singh,
Advs.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Amit Ahlawat, APP for the State.
with Insp. Abhishek Mishra, PS EOW

+ BAIL APPLN. 3695/2024

SHIV PRIYA

.....Petitioner

Through: Mr. Pramod Kumar Dubey, Sr. Adv.
with Mr. Amit Sinha, Mr Aditya Jain,
Mr Satyam Shivaach, Mr Vaibhav
Kapur, Ms Muskan Sharma, Advs.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Amit Ahlawat, APP for the State.
with Insp. Abhishek Mishra, PS EOW

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

29.10.2024

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1. These petitions have been filed seeking regular bail in FIR No. 139/2019 PS EOW, originally registered under Sections 406/409/420/120B IPC.
2. Senior counsels for the petitioners point out that by order dated 20th June, 2024 passed by the CMM, East District, Karkardooma Courts, charges under only 420 IPC read with 120B IPC have been framed.
3. The petitioners are directors in Amrapali Group of Companies



(‘AGC’) which are involved in the real estate sector primarily in the Delhi-NCR region. They state that they were not involved in the financial transactions but only in the execution of the projects. Between 2011 and 2015, various impediments were faced in the completion of the projects. The FIR arose out of complaints of homebuyers, alleging that despite payment of majority of the consideration amount by most of the homebuyers, the projects were either stalled/abandoned or the possession of flats was given in a highly delayed and incomplete manner.

4. Subsequently, various proceedings have been going on with respect to the non-delivery of the project to the home buyers which have been finally heard by the Supreme Court. By order dated 23rd July, 2019, the Supreme Court passed a detailed judgment where in Senior Advocate was appointed as Court Receiver who took over the affairs of the Amrapali Group.

5. On 28th February, 2019, petitioners along with other directors were arrested by the EOW and have been in continuous custody being arrested in various successive FIRs. They were arrested in these FIRs in 2022. However, it is stated that they have been in continuous custody for more than 6 years currently.

6. For this purpose, senior counsel for the petitioner also points out to the order dated 22.02.2023 of the High Court of Judicature of Allahabad in Criminal Misc. Bail No.12591/2022 where these aspects have also been noted.

7. The charge-sheet has already been filed on 17th June, 2022. As noted above, charges under Sections 406/409 have been dropped vide order dated 20th June, 2024. Petitioner Shiv Priya is in bail in 29 matters out of 30 matters including 2 matters from the present project. Petitioner Anil Kumar



Sharma is in bail in 31 matters out of 32.

8. As per the Nominal Roll, the jail conduct has been satisfactory.

9. Senior counsels for the petitioners have stated that considering that the charges are now under Section 420/120B IPC which invite sentence of upto 7 years and they have already been effective continuous custody for 6 years, they be released on bail.

10. The Receiver has already been appointed and all assets which were in control of the petitioners have already been taken into custody by the Receiver appointed by the Supreme Court.

11. The APP for the State, however, points out to a previous order of a Coordinate Bench of this Court delivered on 21st January, 2024 by which the previous bail petition of the petitioner Anil Kumar Sharma was rejected.

12. Countering this, senior counsel for the petitioner states that was at the stage when charges for offences under Sections 406/409 IPC were still in question.

13. There are no other circumstances, which have been pointed out to the Court to sustain the petitioners' custody.

14. It has been informed by the APP for the State on instructions of the IO that the passports of the petitioners have already been deposited by previous orders of the Supreme Court and they have undertaken not to travel outside India without permission of the Court.

15. Considering that the petitioners have been granted bail in all the other FIRs and the Receiver has already been appointed by the Supreme Court, as also the charge-sheet has been filed and order on charge being delivered, and the petitioners have been in effected continuous custody for 6 years, this Court is inclined to grant bail to the petitioners on the following conditions.



16. 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 petitioners behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioners. Consequently, the petitioners are directed to be released on bail on each furnishing a personal bond in the sum of Rs. 100,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioners will not leave the country without prior permission of the Court.
- ii. Petitioners 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. Petitioners shall appear before the Court as and when the matter is taken up for hearing.
- iv. Petitioners shall join investigation as and when called by the IO concerned.
- v. Petitioners 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. Petitioners 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.

17. 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.

18. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

19. Accordingly, the petitions are disposed of. Pending applications (if any) are disposed of as infructuous.

20. *Dasti.*

21. Order be uploaded on the website of this Court.

ANISH DAYAL, J

OCTOBER 29, 2024/MK