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

\+ BAIL APPLN. 3662/2024

MUKESH KUMAR .....Petitioner

Through: Mr.Yudhistar Kahol, Mr.Ratish Kr. Sharma, Mr.V.C. Jha, Mr.Tushant, Mr.Kunal, Mr.Deepak, Ms.Soumya and Mr.Vaibhav Kumar, Advocates

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Laksh Khanna, APP for State with Insp. Brahma Dutta

Mr.Ranvijay Kumar, Mr.Sushant Nagar, Ms.Rina Roy, Ms.Arzoo and Ms.Anshika Singh, Advocates for complainant

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **06.11.2024**

1. By way of present bail application, the applicant seeks regular bail in FIR No. 374/2023 registered under Sections 419/420/467/468/471/120B IPC at P.S. Ghazipur, Delhi.

2. Learned counsel for the applicant submits that the applicant is in custody since 25.09.2023 and was released on interim bail w.e.f. 08.05.2024 to 16.07.2024, which concession has not been misused by him.

On merits, it is stated that as per the prosecution case, the FIR pertains to obtaining of bank loan by one *Madhu* and equitable mortgage by one *Chetna Arora* posing as *Sneh Prabha* from the Bank of India and Bank of Baroda respectively. He submits that the applicant is neither the borrower nor the guarantor in the said loans. It is further stated that all the co-accused have already been released on regular bail and that the case is still pending at the stage of further investigation.

3. Learned APP for the State, duly assisted by learned counsel for the complainant, has opposed the bail application. It is stated that *Madhu* obtained a home loan of Rs.52,00,000/- from Bank of India by furnishing forged chain of documents with respect to the property bearing *Flat No. 51, Pocket-A, 1st Floor, New MIG Flats, Mayur Vihar, Phase-III, Dehi-110096* owned by the complainant. It is stated that *Sneh Prabha,* who was the initial allottee, had sold the subject property to the complainant, who had retained the ownership and possession with him. However, by manufacturing a forged chain of documents, *Madhu* obtained the said loan out of which Rs.50,60,000/- has travelled to the account of the present applicant.

By using another forged chain of documents, *Chetna Arora* posing as *Sneh Prabha*, appeared as a guarantor before Bank of Baroda with respect to Equitable mortgage of Rs.50,000/- by one M/s V.C. Food (Partnership firm) in which *Chetna Arora@Sneha Prabha* was one of the partners. It is stated that the role of the present applicant is of being the mastermind, having created the forged chain of documents and using *Madhu* and *Sneh Prabha* in the process. It is stated that the applicant has four other similar prior involvements. It is also stated that the Bank has initiated proceedings under DRT, however, the possession of the property is still with the complainant. It is also stated that the Bank of Baroda has filed a separate complaint with respect to the equitable mortgage given to M/s V.C. Food (Partnership firm) in which *Chetna Arora@Sneha Prabha* has used the documents of the subject property while appearing as a guarantor. It is also stated that the GST registration sought by *Madhu* had the email ID of the present applicant who had also accompanied the co-accused at the time of seeking the home loan.

4. At this stage, learned counsel for the applicant submits that the applicant is enlarged on bail in all the aforesaid four cases.

5. I have heard learned counsels for the parties as well as learned APP for the State and have also gone through the material placed on record. During the course of the submissions, it is informed that the FSL Report is still awaited and a supplementary challan is yet to be filed and the charges are also remaining to be framed.

6. Considering the period of custody undergone as well as the fact that the all the co-accused have already been released on regular bail and further investigation is still pending and also keeping in view the fact that he was previously released on interim bail, which concession he has not misused, it is directed that the applicant be released on regular bail, subject to his furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/ concerned Court/Duty J.M./Link J.M. and subject to the following further conditions:-

i) The applicant shall not leave the NCR without prior permission of the concerned Court.

ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.

iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.

iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.

v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.

7. The bail application is disposed of in the above terms.

8. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.

9. Copy of the order be uploaded on the website forthwith.

10. 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.

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MANOJ KUMAR OHRI, J

NOVEMBER 6, 2024
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