



\$~14

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3768/2024**

SALAUDDIN

.....Petitioner

Through: Mr. B. Azad, Mr. R.M. Asif, Mr.
Mateen Ahmad and Ms. Riya
Khandelwal, Advocates.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Laksh Khanna, APP for State
with SI Mamta, P.S. Dabri.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

%

12.11.2024

1. By way of present bail application, the applicant seeks regular bail in FIR No. 180/2023 registered under Sections 467/468/471/120B IPC at P.S. Dabri, Delhi.

2. Learned counsel for the applicant states that applicant is in custody since 05.12.2023 and though the applicant has addressed his submissions before the Trial Court on arguments on charge in May, 2024, the order on charge is yet to be pronounced. It is further submitted that prosecution has cited 23 witnesses in support of its case, thus, the trial is likely to take a long time to conclude.

On merits, it is contended that as per the case of the prosecution, two properties were offered for mortgage with Karnataka Bank for obtaining a loan of Rs.2 crores. It is submitted that Karnataka Bank has not filed any criminal complaint, however, has initiated SARFAESI proceedings in which one of the two properties has been sold. It is further stated that as per the



prosecution case, the other property has been sold to the present complainant for a sum of Rs.56 lacs. It is also stated that in the bail proceedings of the co-accused, he has already paid a sum of Rs.70 lacs to the complainant.

3. Ld. APP for the State, duly assisted by learned counsel for the complainant, on the other hand, has opposed the bail application. It is stated that the present applicant alongwith the co-accused *Mohd. Shami* had approached the Karnataka Bank to secure a loan of Rs.2 crores and mortgaged the subject property without having any right, title or interest. It is further stated that the applicant was instrumental in creating a forged chain of documents wherein his father was shown as the owner of the property whereas the actual owner was his wife. The said forged chain of documents was produced before the Bank to obtain the said loan. Thereafter, the complainant was sold the property by the applicant's wife. It is also stated that applicant has also produced a relinquishment deed of his sister by claiming that his father has expired and by virtue of the said relinquishment deed, he has shown himself to be owner of the property on the basis of which, the loan was advanced.

4. I have heard the learned counsels for the parties and perused the material placed on record.

5. Complainant is aggrieved by the initiation of SAFAESI proceedings by the Karnataka Bank. The complainant is in possession of the subject property which was purchased against sale consideration of Rs.56 lacs. Concededly, in the bail proceedings of the co-accused, the complainant has already received Rs.70 lacs.

6. Considering the aforesaid facts and circumstances including the period of custody as well as the fact that order on charge is yet to be



pronounced, the Court is inclined to admit the applicant on regular bail subject to him furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/concerned Court/Duty M.M. and subject to the following further conditions :-

- i) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.
- ii) The applicant shall not leave the NCR without prior permission of the concerned Court.
- 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 for information and necessary compliance.

9. Needless to state that the observations made hereinabove are only for the purpose of disposal of present bail application and which shall not have a bearing on the trial of the case.

MANOJ KUMAR OHRI, J

NOVEMBER 12, 2024/ga