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

+ **BAIL APPLN. 3831/2024**

AMIT JAIN

.....Petitioner

Through: Mr. Prashant Sharma and Mr. Lalit
Kumar, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Shoaib Haider, APP for State.
SI Avaneesh Kumar, P.S. Krishna
Nagar.
Mr. Sanjeev Bhardwaj, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **21.10.2024**

CRL.M.A. 31761/2024

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

BAIL APPLN. 3831/2024

1. By way of present application, the petitioner/applicant seeks anticipatory bail in FIR No. 469/2024 registered under Sections 420/468/471/120B/34 IPC at PS Krishna Nagar, Delhi.
2. Learned counsel for the applicant/petitioner submits that the present case arises in the context of Agreement to Sell dated 14.07.2023 entered into between the applicant/petitioner, his father, younger brother and the complainant. He further submits that as per the prosecution case, the firm, namely *M/s Anuj Kids Wear*, whose proprietor is the co-accused, *Anuj Jain*, approached the RBL Bank for grant of loan. He contends that the applicant



is neither a borrower nor a co-borrower of the said loan. Furthermore, he submits that the co-accused *Anuj Jain* has already been released on regular bail and though Notice under Section 41A Cr.P.C. was issued to the petitioner/applicant, he could not join the investigation on the apprehension of threat.

3. The application is resisted by learned APP for the State, who is duly assisted by learned counsel for the complainant. It is stated that the Agreement to Sell was executed by the present applicant alongwith the co-accused persons, *Anuj Jain* and *Ramesh Chand Jain*. It is further submitted that on account of misleading assertion in the said Agreement to Sell that the subject property is free from encumbrances/lien, the complainant was induced to part with a sum of Rs. 6,50,000/- as earnest money. Moreover, it is submitted that the NOC issued by the RBL Bank was found to be forged. Learned APP for the Sate, on instructions, further submits that it was the said proprietorship firm which had approached the concerned bank for the grant of loan of Rs. 1,50,00,000/-.

4. Considering that the present applicant is neither the borrower nor the co-borrower of the said loan, and the further fact that it was the co-accused *Anuj Jain* who had approached the bank for the loan and that he has also been subsequently released on regular bail and also considering that the applicant was issued only a notice under Section 41A Cr.P.C., it is directed that, subject to him joining investigation, in the event of arrest, the applicant be released on bail subject to his 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 asked.
- (iii) The applicant shall inform the concerned Investigating Officer about his current residential address.
- (iv) In case of change of residential addresses/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.

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

6. 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

OCTOBER 21, 2024

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