



\$~5

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

+ **BAIL APPLN. 3908/2024**

RAKESH SADHU

.....Applicant

Through: Mr. Atul Kumar, Adv.

versus

STATE GOVT OF NCT DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for
the State.

SI Vandana DIU West
District.

Ms. Akshita Harjai, Adv.
for complainant.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

13.11.2024

%

1. The present application is filed seeking regular bail in FIR No. 876/2023 dated 07.12.2023, registered at Police Station Punjabi Bagh, for offences under Sections 419/420/467/468/471/120B of the Indian Penal Code, 1860 ('IPC').

2. The FIR was registered on an allegation that accused persons created forged and fabricated documents in regard to property bearing No.47/35, Punjabi Bagh West, and attempted to mortgage the same.

3. The status report indicates that accused Jaswant Singh taking support of the fabricated documents, met one Manoj Aggarwal of Kapish Infotech. It is alleged that Jaswant Singh offered to provide the property as a security for the loan which was to be obtained by Kapish Infotech in lieu of him being inducted in Kapish Infotech as a Director. Further, Manoj

BAIL APPLN. 3908/2024

Page 1 of 4



Aggarwal is alleged to have also paid ₹10,00,000/- to Ajay Jha. The case against the applicant is that he along with Ajay Jha facilitated meeting between Jaswant Singh and Manoj Aggarwal and also aided in preparing the documents.

4. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as, whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of the accused absconding or fleeing if released on bail; reasonable apprehension of the witnesses being threatened; etc.

5. It is undisputed that the property till date has not changed hands. The complainant at this stage appears to have not been cheated as yet, an attempt to cheating though had been allegedly made.

6. The allegation also suggest that the beneficiary of the attempted cheating and forgery was one Jaswant Singh, who as per the allegations, would have been inducted as Director of Kapish Infotech on him providing the property of the complainant as collateral security for the proposed loan to be taken by Kapish Infotech.

7. The applicant is in custody since 07.09.2024. The status report indicates that the investigation against the applicant is complete and his custodial interrogation is not required.

8. The object of jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment. However, appropriate conditions ought to be put to allay the apprehension of the applicant tampering with the

BAIL APPLN. 3908/2024

Page 2 of 4



evidence or evading the trial.

9. In view of the above, the applicant is directed to be released on bail on furnishing a personal bond for a sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court, on the following conditions:

- a. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- b. The applicant shall under no circumstance leave the boundaries of the country without the permission of the learned Trial Court;
- c. The applicant shall appear before the learned Trial Court as and when directed;
- d. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- e. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phones switched on at all times.

10. In the event of there being any FIR/ DD entry/ complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

11. It is clarified that the observations made in the present order are only for the purpose of deciding the present bail



application and shall not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

12. The bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

NOVEMBER 13, 2024

“SK”