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

\+ **BAIL APPLN. 4486/2024 & CRL.M.A. 36736/2024**

GIRISH KUMAR SHARMA .....Applicant

Through: Mr. Harshit Jain, Mr. Rahul Kumar, Mr. Shubham Singh, Ms. Riya Sharma, Advs.

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Rajkumar, APP for the State.
SI Pankajj, PS GK-I.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

O R D E R

% **06.12.2024**

CRL.M.A. 36735/2024 (*exemption*)

1. Exemption allowed, subject to all just exceptions.

2. The application stands disposed of.

BAIL APPLN. 4486/2024 & CRL.M.A. 36736/2024

3. The present application is filed seeking regular bail in FIR No. 320/2023 dated 25.12.2023, registered at Police Station Greater Kailash, for offences under Sections 419/420/448/465/467/468/471/120B/34 of the Indian Penal Code, 1860 (‘**IPC’**).

4. The complaint was given by one Sonia Jain who claimed to have purchased the property bearing No. R/287, Greater Kailash-I, New Delhi (hereafter’ **the subject property**’) from one Raj Kumari. She alleged that the property has been illegally occupied by Arun Kumar Gautam and Prakash Kumar Gautam.

5. The inquiry into the complaint led to registration of the

present FIR in which it was alleged that Sonia Jain in connivance with the other accused persons has in fact tried to illegally acquire the title and the possession of the subject property. Sonia Jain had claimed title over the property by virtue of alleged Sale Deed dated 08.04.2022. It is alleged that Smt. Raj Kumari, who had allegedly executed the Sale Deed in favour of Sonia Jain, had in fact expired long back in the year 2001. It is further alleged that the accused persons in connivance with each other had produced another lady, who impersonated herself as Raj Kumari and executed the Sale Deed.

6. The allegation against the applicant is that he had received an amount of ₹20,00,000/- from co-accused Kumar Vishesh Gautam. It is alleged that accused – Sanjay Jain had transferred an amount of ₹1.44 crores in the joint account of Ms. Raj Kumari and Kumar Vishesh Gautam, which was withdrawn by co-accused – Kumar Vishesh Gautam and a sum of ₹20,00,000/- was paid to the applicant.

7. The applicant is made accused on a disclosure statement of co-accused – Kumar Vishesh Gautam who stated that the plan to commit the crime was made along with the applicant and other accused persons for forging the title documents of the property.

8. This Court by separate order dated 29.10.2024 in Bail Application No. 3588/2024 has already admitted accused Kumar Vishesh Gautam on regular bail. It was noted that the investigation is already complete and the chargesheet has already been filed. This Court noted that the beneficiary of the offence, that is, co-accused Sonia Jain and Sanjay Jain had already been admitted on bail by the learned Trial Court and the role attributed to the co-accused is not graver than the other accused persons who have been enlarged on bail.

9. The co-accused persons who have already been admitted on bail, have been attributed much graver role than the present applicant. The applicant is in custody since 04.04.2024. It is not the case of the prosecution that there is some part of the investigation which is still left to be carried out for which the applicant shall remain in custody and if released on bail, may hamper the investigation.

10. The applicant is entitled for grant of bail on the ground of parity.

11. 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 two local sureties 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.

12. 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.

13. 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.

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

15. Pending application also stands disposed of.

AMIT MAHAJAN, J

DECEMBER 6, 2024
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