



2025:DHC:813



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

% ***Pronounced on: 10th February, 2025***

+ **BAIL APPLN. 42/2025**

NEERAJ GUPTA @ NEERAJ DENGRE

S/o Sh. Om Prakash Gupta

R/o Gali No. 5, Naka, Chandravani

Gird, Gwalior, MP-474009.

.....Petitioner

Through: Mr. Anurag Jain & Mr. Praveen
Malik, Advocates.

versus

STATE (GOVT. OF NCT OF DELHI)

Through/SHO

PS Kotla Mubarakpur

New Delhi.

.....Respondent

Through: Mr. Shoaib Haider, APP for State. S.I.
Ashwani Yadav, PS K.M. Pur, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. First Bail Application under Section 439/482 of the Code of Criminal Procedure, 1973/under Section 483/528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) has been filed on behalf of the Applicant, *Neeraj Gupta @ Neeraj Dengre* for grant of Regular Bail in FIR No. 520/2023 under Section 420/406/409/120B Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*) registered at Police Station Kotla Mubarakpur.
2. It is stated that the above said FIR was registered on the basis of Complaint dated 06.06.2023 of Sh. Umesh Kumar Goel, proprietor of Kuru



Agri Products against the Applicant and other persons, on the allegations that the Applicant had approached the Complainant representing himself to be the agent in the business of spices, while other co-accused persons were introduced as dealers in the spice trade. It was further alleged that under the garb of business transactions, the Applicant took Orders for supply of various spices and assured that they would be kept in Sudarshan Cold Storage at Gwalior.

3. The Complainant believed the assurances of the Applicant and paid a total sum of Rs.97,85,475/- in the month of April/June, 2021 to the four Suppliers, namely, (i) *Jai Mahakal Trading Co. C/o Somya Agrawal*; (ii) *Agrawal Enterprises C/o Ram Kumar Goel*; (iii) *Jai Durga Traders C/o Rakesh Kumar Gupta and*; (iv) *Rehab Traders*. The Complainant further claimed that on 29.03.2023, he checked the Sudershan Cold Storage for the status of the items purchased by him, but was shocked to see that no item was ever kept there and he had been duped of his hard earned money.

4. On his complaint, FIR No. 520/2023 under Section 420/406 of the IPC was registered at Police Station Kotla Mubarakpur on 02.12.2023.

5. After registration of FIR, the Complainant improved his case substantially as he further alleged that he had also paid a sum of Rs.21,50,000/- to Manvi Traders C/o Poonam Gupta on 27.07.2022 for purchase of spices/large Cardamom. He also added that he had supplied goods worth Rs.23,73,400/- on 04.12.2021 to Ram Traders C/o Ramji Soni and goods worth Rs.43,24,053/- to Kanishka Traders C/o Jyoti Gupta on 30.09.2021 and 05.10.2021, but has not received the payment for the same.

6. He further completely somersaulted from his earlier version by saying that GST Department raided Sudershan Cold Storage in October, 2021 and



seized the goods belonging to the Complainant. In February, 2022, the Applicant got the goods released from GST Department on behalf of Kuru Agro Products/Complainant by filing an Application and other allegedly forged documents, without any authority from the Complainant.

7. The Applicant has asserted that the story put forth by the Complainant as well as, the Investigating Agency, is self-contradictory and it is highly doubtful that the alleged offences were made out against the Applicant. The dispute *inter se* the parties is purely civil and criminal proceedings have been initiated as an arm twisting tactic to illegally harass the Applicant.

8. It is a matter of fact that during the investigations, the Complainant amicably settled the matter with the co-accused, namely, Rakesh Gupta, Ram Kumar Goel, Poonam Gupta and Soumya Aggarwal, though this fact has been concealed from the Court. It is only during the hearing of the Bail Application before the learned ASJ on 12.11.2024, the Applicant filed certain documents showing the compromise with other co-accused persons.

9. The learned ASJ directed the Investigating Officer to file Reply to the abovesaid documents and later on it was verified by the Investigating Officer in his Reply/Status Report dated 14.11.2024 that the Complainant has already compromised the matter with the other co-accused persons *vide* Settlement Agreement dated 06.05.2024 and 08.05.2024. On account of this Settlement, the other co-accused namely Rakesh Kumar Gupta, Poonam Gupta, Ram Kumar Goel and Somya Aggarwal, have been granted Anticipatory Bail on 02.12.2024.

10. It is submitted that the co-accused Jyoti Gupta, wife of the applicant had also filed SLP (Crl.) No. 10724/2024, for grant of Anticipatory Bail, which has been granted by the Apex Court *vide* Order dated 25.11.2024.



11. It is asserted that even as per the FIR, the role assigned to the Applicant is only of an Agent, who took Orders for other co-accused persons. He is in judicial custody since 26.09.2024 and nothing has to be recovered from his possession. The entire evidence is primarily in the nature of documentary evidence and no purpose would be served by keeping him in judicial custody. The Complainant has not initiated any civil proceedings against the Applicant nor any Legal Notice has been received by the Applicant.

12. The Regular Bail Application filed before the learned Sessions Judge, was dismissed as withdrawn *vide* Order dated 20.11.2024. Bail Application was filed before the learned JMFC-11, South East District but it was dismissed on 07.10.2024. Thereafter, another Application for Regular Bail was dismissed by learned Sessions Judge on 17.12.2024. Bail Application was also filed before this Court for grant of Anticipatory Bail, but was dismissed on 08.07.2024.

13. The Applicant claimed that he has been roped in a false criminal case which is essentially a civil dispute. There is no apprehension that the Applicant would run away from the hands of law or would threaten the witnesses. Hence, Regular Bail is sought.

14. The ***Status Report*** has been filed on behalf of State wherein it has been stated that during the course of investigations, a Notice under Section 91 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as* 'CrPC') and Section 41A of CrPC were served to all the alleged accused persons including the Director of Sudarshan Cold Store, Gwalior, M.P. but they neither gave any Reply nor joined the investigations. Thereafter, the



accused persons approached the Hon'ble Court which directed them to join the investigations.

15. During the course of investigations, the efforts were made to trace the co-accused Neeraj and Jyoti, but they were not found. On inspection of their house, it was revealed that there was a pamphlet "KANISHKA TRADERS" found pasted on the outside wall of their house. It is a residential colony and no goods, store or stock of spices or similar business activity was found. However, on inspection of record available on file and those submitted by the co-accused Jyoti Gupta, reflected it was its registered address. It was further found that Jyoti Gupta in connivance with the Applicant, had made a shell Firm in the name of "KANISHKA TRADERS" to dupe and cheat people like Complainant. Statements of family members of accused persons and neighbours were recorded. It was found that Jyoti Gupta was not doing any business but it was only her husband, Neeraj Dengre/Applicant, who was an Agent in spice selling in Dal Bazar and Mumbai.

16. Further facts were revealed that GST Department had raided Sudarshan Cold Store in October, 2021 and seized all the articles, which the Applicant got released by moving an Application, though Complainant denied being aware of the raid or of release of the goods to the Applicant.

17. It is further submitted that the other co-accused have settled their disputes with the Complainant amicably and the payments have been made.

18. The Police went in search for Neeraj, Jyoti and Ramji Soni to Gwalior many times and all their efforts to trace them proved to be futile. NBWs were issued against the Applicant along with the other co-accused on 11.06.2024. Further efforts were made to arrest the accused but they waited their arrest. Eventually, during the investigations, the Applicant was arrested



from Navi Mumbai, Maharashtra, on 26.09.2024 and taken on two days Transit remand. The specimen signatures/handwriting of the Applicant has been taken and sent to FSL but the result is awaited. *The offence under Section 406 of IPC has been replaced with Section 409 of IPC against the Applicant. Section 506 of IPC has also been added.*

19. It is alleged that in the various transactions, the Applicant has defrauded the Complainant. During the investigations, it has surfaced that the Applicant in connivance with the co-accused persons committed offences of cheating, fraud and criminal breach of trust as an Agent of the Complainant and he had also extended the threats to the Complainant. There is every possibility that the accused may threaten the public witnesses and tamper with the evidence because the material evidence is yet to be procured. The Applicant may abscond if Bail is granted. The Bail Application is therefore, strongly opposed.

20. Submissions heard and the record perused.

21. As per the FIR, the Applicant had introduced himself as the Agent and other co-accused as dealers in spice market and had allegedly cheated the Complainant of his money. Thereafter, he even threatened the Complainant. However, it cannot be overlooked that the accused had joined the investigations. He is in judicial custody since 26.09.2024. His custodial interrogation is not sought by the Investigating Officer. The Charge Sheet has already been filed in the Court.

22. In these circumstances, the Petitioner is admitted on Regular Bail, on the following conditions:-



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- a) The Petitioner/Accused shall furnish a bail bond in the sum of Rs.50,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court;
- b) The Applicant shall appear before the Court as and when the matter is taken up for hearing;
- c) The Applicant shall provide mobile number to the IO concerned which shall be kept in working condition;.
- d) The Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses; and
- e) In case of change of the residential address, the same shall be intimated to this Court and in the Police Station, by the Applicant.

23. A copy of this Order be communicated to the Jail Superintendent as well as the learned Trial Court, for compliance.

24. The Bail Application is accordingly disposed of.

(NEENA BANSAL KRISHNA)
JUDGE

FEBRUARY 10, 2025/RS