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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **BAIL APPLN. 1142/2025, CRL.M.A. 8662/2025**  
**VIRAJ @VISHAL @VIRAT**

.....Petitioner

Through: Mr. Nishank Tyagi, Advocate.

versus

**STATE (NCT OF DELHI)**

.....Respondent

Through: Mr. Utkarsh, Ld. APP for the State  
with Insp. Parvesh Kumar SHO  
Gokal Puri.

**CORAM:**  
**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**ORDER**  
**03.04.2025**

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1. An Application under Section 439 Cr.P.C (483 BNSS) has been filed on behalf of the Petitioner seeking Interim Bail for four weeks in case FIR No.171/2023 under Section 394/397/302/457/411/201/34/120B IPC registered at Police Station Gokul Puri, Delhi.
2. It is submitted that his Interim Bail Application has been dismissed by the learned ASJ on 22.11.2024.
3. It is claimed that the case of the Prosecution is based on false and concocted facts. All the material witnesses have failed to support the case of the Prosecution.
4. It is further submitted that in the year 2016 i.e. much prior to the registration of FIR, the Applicant had taken a loan of Rs.75 lakhs from PNB,



Ghaziabad for the purpose of starting dairy business. He had secured the loan by mortgaging his only residential house bearing No.A-132, Sec-3, Chiranjiv Vihar, Ghaziabad, Uttar Pradesh. He had been diligently making payments of EMI towards the loan until the outbreak of COVID-19 Pandemic. His business suffered which could not flourish, because of which he was unable to pay the EMIs, which situation got further exacerbated by his subsequent arrest and judicial custody.

5. It is submitted that due to prolonged incarceration, the Applicant has been unable to pay the outstanding loan amount leading to multiple Notices for auction of his only residential property. The Applicant submits that in his absence, his family has not been able to take any measure to prevent the Auction and secure the home.

6. He is the eldest son and is the sole person responsible for the financial matters. Irreparable loss would be caused to his family unless he is admitted to Interim bail to make necessary financial arrangements for settlement of outstanding loan for which he requires an urgent Interim Bail for a period of four weeks.

7. Hence, the prayer is made accordingly.

8. **Learned APP for the State** has filed the Status Report which be taken on record.

9. It is submitted by learned APP for State that the loan is of the year 2016 and the Petitioner has defaulted in 2022 i.e. before his arrest when the Eviction Notice was given. His claim that he defaulted only because of his arrest, is factually incorrect. It is further submitted that the Auction of the property had already taken place and the property has been sold to successful bidder Mrs. Sarita Chaudhary on 23.10.2024, the copy of Notice



is annexed along with the Status Report. It is submitted that the grounds stated for Interim Bail are not justified and the Application be dismissed.

10. **Submissions heard and record perused.**

11. The sole ground on which the Interim Bail is sought is to make arrangement of money to settle the account with PNB and to redeem his mortgaged property. However, from the documents placed on record, it is evident that the property already stands auctioned. The grounds on which the Interim Bail is sought, therefore, do not exist. The Interim Bail is hereby rejected.

12. The Petition stands disposed of along with the pending Application(s).

**NEENA BANSAL KRISHNA, J**

**APRIL 3, 2025/va**