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

\+ BAIL APPLN. 1208/2025

SHUBHAM SHARMA .....Petitioner

Through: Mr. Suraj Prakash Sharma, Advocate along with Petitioner.

versus

STATE (NCT OF DELHI) .....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for the State with Inspector Sandeep Kumar, PS Madhu Vihar, East District.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

<u>O R D E R</u>

% 07.04.2025

<u>CRL.M.A. 9379/2025 (Exemption)</u>

1. Exemption allowed, subject to all just exceptions.

2. The Application stands disposed of.

<u>BAIL APPLN. 1208/2025</u>

3. First Anticipatory Bail Application/Petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*Section 438 of the Code of Criminal Procedure, 1973)* has been filed on behalf of the Petitioner/Shubham Sharma for grant of Anticipatory Bail in FIR No. 61/2025 under Section 420/120-B of the Indian Penal Code, 1860 registered at Police Station Madhu Vihar.

4. It is submitted in the Application that the FIR has been registered against the Applicant on false and frivolous grounds. The Applicant has

nothing to do with the alleged offence and is not involved with it in any manner. The antecedents of the Applicant are clean as he has never ever been involved in any other case. He has suffered humiliation and his reputation has been maligned by the false allegations and he would suffer if he is arrested. There is no likelihood of his fleeing from justice. He undertakes to remain bound by the conditions that may be imposed and hence, the request is made for grant of Anticipatory Bail.

5. **Learned counsel on behalf of the Complainant** submits that despite Notices under Section 41A Cr.P.C./35.3 of B.N.S.S. issued to the Applicant, he has failed to join the investigation. The Applicant had filed an Anticipatory Bail Application in an attempt to circumvent the process of investigation.

6. It is further submitted that his Fist Bail Application has already been dismissed by the learned Trial Court on 11.03.2025. There is a serious fraud perpetrated by the Applicant, who has forged documents for the registration of the car in the name of the Complainant at Maharashtra, even though the Complainant has no concern or connection with Maharashtra. Furthermore, he misrepresented about the condition of the car and presented it to be in fit condition when in fact it has various defects, which led the Complainant to spend a lot of money on getting the car repaired. Not only this, he had taken a Loan, initially to pay the first instalment of the car.

7. Learned Counsel further submits that there is a serious fraud committed by the Applicant. He has further circumvented the process of law by not joining the investigation or submitting the requisite documents. The Bail is, therefore, opposed.

8. **Learned Prosecutor on instructions from the Investigating**

Officer, submits that the Applicant has failed to submit all the requisite documents during the investigation. The Bail Application is thus, opposed.

9. **Submissions heard and the record perused.**

10. Essentially, what emerges from the Complaint is that the Complainant had purchased the car from the Applicant and before purchasing the same; the car was inspected from *Shekhawati Electronics Pvt. Ltd*. @ Zedex, Patparganj, which gave a clean report about the condition of the car thereby causing the Complainant to purchase the car. However, subsequently it was found that the car was a defective and accidental, on re-inspection by Jai Auto. It is essentially a deal for purchase of a car, which has gone sour and car purchased by the Complainant, has been found to be defective. The Respondent has already filed a case before Consumer Forum.

11. Considering the totality of the circumstances and the nature of allegations, it is directed that in the event of his arrest, the Petitioner shall be admitted to Anticipatory Bail by the Investigating Officer/Arresting Officer, subject to the following conditions:-

(i) The Petitioner shall furnish a personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the Investigating Officer/Arresting Officer.

(ii) The Petitioner shall join the investigations, as and when called by the Investigating Officer and shall co-operate during the investigations.

(iii) The Petitioner shall furnish his cellphone number to the Investigating Officer on which he may be contacted at any time and shall ensure that the number is kept active and switched-on at all times.

(iv) The Petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case.

(v) The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.

12. The Petition stands disposed of in the above terms.

13. Copy of the Order be sent to the learned Trial Court for compliance.

NEENA BANSAL KRISHNA, J

APRIL 7, 2025/RS