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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 2689/2025

ANIL SHARMA

.....Petitioner

Through: Mr. Murari Tiwari, Ms. Nimisha Gupta, Ms. Riya Khanna, Mr. Sachin Tripathy and Ms. Suman Lata, Advs. with the petitioner in person.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Sunil Kumar Gautam, APP for the State with Insp. Vinit Kumar, DIU / South District.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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23.04.2025

CRL.M.A. 12055/2025 (exemption from filing legible / marginal / original documents)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present petition is filed seeking a direction to the concerned Pay and Accounts Department to release the interest accrued on the amount of ₹20,00,000/- as deposited by accused Mohit Chaudhary in compliance of the order dated 16.01.2017 passed by the learned Additional Sessions Judge ('ASJ'), Saket Courts, New Delhi in Bail Application No. 30728/2016 in FIR No. 381/2016 ('FIR').

4. The FIR was registered on a complaint given by the petitioner. It is alleged that the accused persons Siddharth Chaudhary, Mohit Chaudhary and Chander Prakash Chaudhary being directors of M/s. Radikal Overseas Pvt. Ltd. had approached the petitioner for purchase of paddy. It is alleged that

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M/s. Radikal Overseas Pvt. Ltd. purchased paddy worth ₹1 crore 30 lakhs from the petitioner. It is alleged that thereafter the accused persons issued a cheque for a sum of ₹1 crore 30 lakhs to the petitioner which on presentation got dishonoured. It is alleged that thereafter when the petitioner demanded the money, the accused persons refused to pay the amount due to the petitioner. The same led to the registration of the FIR under Sections 406/420/467/468/471/120B/506 of the Indian Penal Code, 1860.

5. By the order dated 16.01.2017, the learned ASJ, while granting pre-arrest bail to the accused Mohit Chaudhary observed as under:

“Accordingly, it is directed that in the event of arrest, applicant/accused Mohit Chaudhary will be released on furnishing personal bond in the sum of Rs.1 lac with one surety of like amount to the satisfaction of Investigating Officer/SHO/Arresting Officer, subject to the condition that applicant/accused will deposit a sum of Rs.20 lacs with the Reader of this Court within three weeks. After the aforesaid amount is deposited by applicant/accused, same shall be placed in a fixed deposit and expenses incidental to putting the aforesaid amount in fixed deposit will be borne by applicant/accused. This amount along with the interest so accrued will be disbursed in accordance with the order that will be passed by competent Court dealing with dispute between the parties. Applicant/accused will join investigation as and when required by Investigating Officer. Dasti.”

6. The aforesaid sum of ₹20,00,000/- was deposited by the accused Mohit Chaudhary in the form of a DD.

7. By the order dated 29.07.2024, the learned Trial Court directed the concerned Pay and Account Office to release the sum of ₹20,00,000/- to the petitioner subject to the petitioner furnishing an indemnity body of the same amount.

8. Subsequently upon an application preferred by the petitioner, the learned Trial Court by order dated 11.12.2024 directed that the interest accrued on the FDR be also released to the petitioner. Thereafter, the concerned Pay and Accounts



Department failed to release the interest amount and by reply dated 02.01.2025, stated that the accused Mohit Chaudhary deposited a Demand Draft of ₹20,00,000/- instead of an FDR. The Pay and Accounts Department further stated that they had no budget provision to pay the interest on the FDR.

9. Aggrieved by the same, the petitioner preferred an application before the learned Trial Court seeking a direction to the concerned Pay and Accounts Office to comply with the order dated 11.12.2024 and the consequent release of the interest accrued on the principal sum of ₹20,00,000/-.

10. By order dated 28.03.2025, the learned Trial Court dismissed the application preferred by the petitioner while noting that no directions *qua* payment of any interest can be passed against the concerned Pay and Accounts Office. Aggrieved with the same, the petitioner has filed the present petition.

11. Mr. Murari Tiwari, learned counsel appearing on behalf of the petitioner, submits that the learned Trial Court erred in observing that the concerned Pay and Accounts Department is not obliged to pay the interest amount against the principal amount as the same was deposited by the accused Mohit Chaudhary in the form of DD.

12. He submits that the order dated 16.01.2017 as per which the accused Mohit Chaudhary was granted pre-arrest bail, makes it clear that the amount deposited by the accused Mohit Chaudhary was to be placed in fixed deposit. He submits that in terms of the order dated 16.01.2017, the principal amount along with the interest so accrued was to be disbursed to the petitioner. He consequently seeks that a direction be passed to the concerned Pay and Accounts Office to release the interest accrued on the amount of ₹20,00,000/- as deposited by accused Mohit



Chaudhary.

13. It is pertinent to note that this Court by order dated 30.09.2024, in similar circumstances in an application preferred by the co-accused Siddharth Chaudhary in BAIL APPLN. 1908/2016, had directed the Registrar General of this Court to release the principal amount of ₹1,00,00,000/- along with interest accrued on the same subject to the complainant furnishing an indemnity bond of the same amount.

14. Further, as pointed out by the learned counsel for the petitioner, the learned ASJ while granting pre-arrest bail to the co-accused Mohit Chaudhary had specifically noted that the amount of ₹20,00,000/- be placed in an FDR and the same along with interest so accrued be disbursed in accordance with the order passed by competent Court dealing with dispute between the parties.

15. In view of the above, the present petition is allowed. The concerned Pay and Accounts Office is directed to release the interest accrued on the principal sum of ₹20,00,000/- in favour of the petitioner within a period of eight weeks subject to the petitioner furnishing an indemnity bond of the same amount before the concerned Pay and Accounts Office. By way of the indemnity bond, the petitioner shall undertake to refund the said sum in the event that any subsequent order to that effect is passed by the learned Trial Court.

16. The present petition is disposed of in the aforesaid terms.

AMIT MAHAJAN, J

APRIL 23, 2025