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

+ CRL.M.C. 2697/2025 & CRL.M.A. 12096/2025

SH AWANISH KUMARPetitioner

Through: Mr. Ravi Prakash, Senior
Advocate with Mr.
Chandan Kumar, Mr. Ali
Khan and Ms. Isha Kant,
Advocates.

versus

STATE GOVT OF NCT OF DELHIRespondent

Through: Ms. Richa Dhawan, APP
for the State with SI
Ghanshyam, PS Shahbad
Dairy and SI Ajay, PS
Prasad Nagar.
Ms. Sakshi Arora, Mr.
Vicky Kumar, Ms.
Konika, Advocates for
complainant along with
Mr. Dilip
Kumar/complainant in
person.
Mr. Chandra Prakash,
Standing Counsel for IOB.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **30.07.2025**

1. The present petition is filed against the order dated 17.04.2025 (hereafter '**impugned order**') passed by the learned Additional Sessions Judge ('**ASJ**'), North District, Rohini Courts, Delhi thereby cancelling the bail granted to the petitioner in FIR No. 805/2024 by order dated 12.03.2025.

2. The learned Senior Counsel for the petitioner submits that the petitioner is a bank manager at the Indian Overseas Bank, Rohini Branch, who approved a loan for purchase of the property

CRL.M.C. 2697/2025

Page 1 of 4



that is subject matter of the ~~11~~. He submits that the said property was subsequently agreed to be sold by the purchaser co-accused – Raman Bhatia to the complainant.

3. He submits that the petitioner had no role in the subsequent Agreement to Sell that was entered into by the co-accused – Raman Bhatia with the complainant. He submits that insofar as the question of extending of loan for the initial purchase of the property by the co-accused is concerned, the petitioner had conducted the requisite due diligence that was required by the bank as per their standard procedures.

4. By a separate order passed today in BAIL APPLN. 4693/2024, the accused Raman Bhatia has already been granted the benefit of pre-arrest bail after this Court noted that the entire cheated amount has already been deposited. The said cheated amount has also been released in favour of the complainant.

5. This Court by order dated 23.04.2025 had noted that the petitioner was arrested on 06.03.2025 and thereafter released on bail by order dated 12.03.2025 by the learned Trial Court noting that the Investigating Officer who was present in the Court had stated that there was nothing left to be recovered and further detention of the petitioner was not required.

6. The learned Trial Court recalled the order dated 12.03.2025 and cancelled the bail by impugned order, erroneously observing that since the bail application filed by petitioner was already pending consideration before this Court, no order granting bail to the petitioner should have been passed.

7. As noted by this Court in the order dated 23.04.2025, the application seeking pre-arrest bail was pending consideration before this Court and during its pendency the petitioner was arrested which led to him filing an application seeking regular



bail before the learned Trial Court. Once the petitioner was arrested, any application that may have been pending before this Court or any Court seeking pre-arrest bail was rendered infructuous giving fresh cause of action to file an application seeking regular bail under Section 437/439 of the CrPC, as the case may be, which was filed by the petitioner before the learned Trial Court, which led to the learned Trial Court admitting him on bail by order dated 12.03.2025.

8. Thus, the learned Court of Sessions erroneously passed the impugned order thereby cancelling the bail on the ground that the application filed by the petitioner should not have been considered due to the pendency of the application seeking pre-arrest bail before the High Court.

9. The application seeking pre-arrest bail was filed before this Court on 10.01.2025, on which only notice was issued returnable on 12.03.2025. As noted above, before the matter could be taken up, the petitioner was arrested on 06.03.2025. The said application seeking pre-arrest bail was thereafter listed on 23.04.2025 and was withdrawn having become infructuous.

10. The alleged cheated amount has already been deposited by the accused Raman Bhatia and has also been directed to be released in favour of the complainant. The petitioner, even otherwise, is not stated to be the beneficiary of the cheated amount. The allegation against the petitioner is that he had helped the accused Raman Bhatia in procuring the loan on the subject property at an earlier stage before it was sold to the complainant. It is also not alleged by the prosecution that the petitioner is at flight risk in any manner whatsoever or may hamper the investigation.

11. In view of the above, I find no reason to deny the benefit



of bail to the petitioner.

12. The present petition is accordingly allowed and the impugned order is set aside and the order dated 12.03.2025 passed by the learned Trial Court granting bail to the petitioner is restored. Pending application also stands disposed of.

AMIT MAHAJAN, J

JULY 30, 2025

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