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

+ **BAIL APPLN. 1982/2024**

**MANISH SONI**

.....Petitioner

Through: **Mr. Anshuman Ashok, Advocate.**

versus

**STATE (GOVT. OF NCT OF DELHI)**

.....Respondent

Through: **Mr. Amit Ahlawat, APP.**

**Insp. Surendra Sharma, Div/  
Shahdara.**

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

**28.02.2025**

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1. The present application under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973<sup>1</sup> seeks grant of regular bail in the proceedings arising from FIR No. 405/2015 dated 28<sup>th</sup> April, 2015, under Sections 420/467/468/471/120-B of the Indian Penal Code, 1860,<sup>2</sup> registered at P.S. Vivek Vihar, District East Delhi.

2. Briefly stated, the case of the Prosecution is as follows:

2.1 A complaint was lodged by one Mr. Satya Prakash Aggarwal alleging that he purchased a property bearing No. A-130, 02<sup>nd</sup> Floor, Vivek Vihar,<sup>3</sup> Delhi, from one Anita Thukral on 04<sup>th</sup> June, 2013 for INR 1,05,00,000/-. He further alleged that on 22<sup>nd</sup> April, 2015, he received a call from his neighbour, informing him that a bank official had visited the property

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<sup>1</sup> "CrPC"

<sup>2</sup> "IPC"

<sup>3</sup> "subject property"



intending to take possession of it. Upon inquiry, the Complainant discovered that the aforesaid property had been mortgaged with the State Bank of India,<sup>4</sup> which was taking action due to the default in repayment of the loan secured against the property.

2.2 The Complainant further alleged that accused persons, in connivance with each other, had transferred the subject property among family members through gift deeds and registered sale deeds, and subsequently, transferred it to the Applicant. The Applicant then took a loan from SBI by mortgaging the subject property, and later sold it to Anita Thukral, who in turn, sold it to the Complainant. He further alleged that a perusal of the documents filed by SBI revealed that all the accused persons had acted in conspiracy, fabricating documents to obtain a loan from SBI, and to transfer the property among themselves, with the sole intent of defrauding the Complainant. This led to the registration of the impugned FIR.

2.3 During investigation, none of the accused persons, including the Applicant, cooperated in the investigation and absconded. On 6<sup>th</sup> February, 2017, the Applicant, along with co-accused Monika Soni, Vilash Babbar, and Kashmiri Lal, was declared a Proclaimed Offender, while Navendu Babbar was similarly declared on 26<sup>th</sup> November, 2018.

2.4 Investigation further revealed that all the accused persons have been implicated in another case bearing No. RCBA1/2018/A0016, registered at PS: CBI, ACB, Mumbai, under Sections 120B read with Sections 409/420/467/468/471 IPC and Section 13(2) read with Section 13(1) and (d) of the Prevention of Corruption Act, 1988.<sup>5</sup> The Applicant was in judicial custody in the said case, and was subsequently presented before the trial

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<sup>4</sup> “SBI”

<sup>5</sup> “PC Act”



court, formally arrested, and taken into police remand.

2.5 During interrogation, the Applicant acknowledged that the funds received from Anita Thukral, arising from the sale of the subject property, were deposited into his savings account at either PNB or Kotak Mahindra Bank. As a result, notices were issued to the banks, and the account statements were obtained, revealing the transfer of funds by the Applicant to other accounts. The investigation revealed that several companies had been registered in the name of the Applicant, who, in collusion with other co-accused, had misrepresented the financial data of the companies, disposed of mortgaged properties, and sold them to Anita Thukral.

2.6 Both the Applicant and his sister, co-accused Monika Soni, are implicated in the crime of selling the mortgaged property to Anita Thukral. Furthermore, on 21<sup>st</sup> August, 2013, the Applicant submitted an affidavit to SBI, asserting that he was the rightful owner and in possession of the subject property and had neither sold nor executed any General Power of Attorney (GPA) or created any charge or mortgage over it. However, it was revealed that the Applicant had, in fact, sold the property to Anita Thukral on 11<sup>th</sup> July, 2011.

### **Applicant's Case**

3. Against the above background, counsel for the Applicant raises following grounds seeking grant of regular bail:

3.1 Anita Thukral and her husband are the sole beneficiaries of the alleged transactions and both have defrauded the Complainant. Subsequently, they have become Prosecution witnesses, and the entire case of the Respondent relies solely on their statements.

3.2 The Applicant has been in custody since 24<sup>th</sup> July, 2023, and has



already spent more than one year and seven months in custody. Given that the investigation has been completed and the chargesheet has been filed, the continued incarceration of the Applicant is no longer necessary.

3.3 The charges have yet to be framed by the Trial Court, and the conclusion of the trial is expected to take a substantial amount of time.

3.4 The documents and articles that form part of the evidence have already been seized by the Investigating Officer, and the Applicant is no longer required for the purposes of further investigation.

3.5 Co-accused Monika Soni has already been granted bail by the Sessions Court *vide* order dated 1<sup>st</sup> April, 2024.

#### **Respondent's Case**

4. Mr. Amit Ahlawat, APP for the State, on the other hand, opposes the bail application, and makes the following submissions:

4.1 The offence committed by the Applicant is of a serious nature. The Applicant, in criminal conspiracy with co-accused Navendu Babbar and other individuals, has defrauded the Complainant by selling a mortgaged property. The accused persons have also defrauded the banks by submitting forged and fabricated documents to secure loans against a mortgage.

4.2 The Applicant had earlier absconded and was declared as a PO, indicating that he is a flight risk. Should he be granted bail, there is a possibility that he may abscond again.

4.3 The Applicant has also been involved in Case No. RCBA1/2018/A0016 dated 27<sup>th</sup> June, 2018 under Section 120B read with Sections 409/420/467/468/471 IPC and Section 13(2) read with Sections 13(1) & (d) PC Act registered at P.S. CBI, ACB, Mumbai; and Case No. RC-DAI-2018-A-0036 dated 16<sup>th</sup> November, 2018 under Sections



120B/420/468/471 of IPC, registered at P.S. CBI, ACB, New Delhi. He is, therefore, a habitual offender.

**Analysis**

5. The Court has duly considered the contentions presented by both parties. The Prosecution has completed the investigation and the chargesheet stands filed. Although the allegations against the Applicant are serious in nature, however, the Prosecution's case predominantly relies on documentary evidence and bank statements, all of which have already been submitted along with the chargesheet. Therefore, the possibility of tampering of evidence can be ruled out.

6. As regards the other cases against the Applicant, it is pertinent to note that in FIR No. RC-DAI-2018-A-0036, the Applicant has been charge-sheeted without being arrested. Additionally, in Case No. RCBA1/2018/A0016, he has already been granted bail on 22<sup>nd</sup> November, 2024.

7. It is noted that the Applicant has been in custody since 27<sup>th</sup> July, 2023. It is well established through a catena of judgments of the Supreme Court that the object of granting bail is neither punitive nor preventative. The primary aim sought to be achieved by bail is to secure the attendance of the accused person at the trial.<sup>6</sup> Having regard to the aforementioned facts, the criminal antecedents, and without delving into the merits of the case, the Applicant shall be released on bail on furnishing a personal bond for a sum of INR 2,00,000/- with two sureties each of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

a. The Applicant shall cooperate in any further investigation as and

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<sup>6</sup> See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



when directed by the concerned IO;

b. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;

c. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;

d. The Applicant shall appear before the Trial Court as and when directed;

e. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;

f. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

g. The Applicant shall report to the concerned PS on every Friday of every month;

8. In the event of there being any FIR/DD entry / complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

9. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

10. The bail application is allowed in the aforementioned terms.

**SANJEEV NARULA, J**

**FEBRUARY 28, 2025/d.negi**