



\$~2

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

+ **BAIL APPLN. 2048/2024**

MANISH MALIK

.....Petitioner

Through: Mr. Nishant Nain, Mr. Vishal Kumar,
Ms. Charu Sharma, Ms. Nisha
Kumari, Advocates

versus

STATE OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP for the
State with Insp. Virender Singh, P.S.
R.K. Puram

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

07.01.2025

%

CRL.M.A. 18163/2024 (Exemption)

1. Exemption is granted, subject to all just exceptions.
2. The Applicant shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

CRL.M.(BAIL) 1000/2024

4. The present application seeks anticipatory bail in FIR No. 148/2024 under Section 407/419/420 of the Indian Penal Code, 1860 registered at Police Station R.K. Puram.
5. In brief, the case as presented by the Prosecution is as follows:
 - 5.1. The afore-noted FIR was registered on behalf of the complaint made



by Dr. Mithun N.K., a Doctor of All India Institute of Medical Sciences Hospital, Delhi.

5.2. The Complainant alleges that he contacted M.P. Trans Packers and Movers through online mode for transportation of his car bearing No. KL13AV8274 from Delhi to Mumbai. For this transportation, the Complainant was given to understand that the charges would be Rs. 23,000/- for the transportation. For this purpose, he handed over the car to the Petitioner at R.K. Puram, Delhi for transportation to Mumbai. Initially, he made a payment of INR 10,500/- through UPI and on 18th April, 2024, a further payment of INR 12,500/- was made. The Petitioner allegedly informed the Complainant that the delivery would be made by 28th April, 2024.

5.3. On 11th May, 2024, the Complainant made another payment of INR 12,500/- through UPI as he was informed that the same are parking charges applicable.

5.4. Despite the payment, the Complainant's vehicle was not moved from Delhi to Mumbai. Instead, the Petitioner made a further demand of INR 30,000/- from the Complainant. The Complainant alleges that despite making the payments as per the agreed amount, the Petitioner has been demanding extra payments. In this background, he lodged the aforementioned FIR.

5.5. During investigation, the vehicle finally found parked at the Petitioner's residence at village and post – Parsaul, Police Station Sankaur, District, Gautam Budh Nagar, Uttar Pradesh. The car was seized, however, the Petitioner absconded. The Prosecution also found a payment receipt bearing the address and GSTIN 06BTAPK7862C1ZT, which was found to



be fake and registered on the name of M.P. Trans Packers and Movers. It was also revealed that the registration number of the company was also found to be fake.

5.6. In such circumstances, the Prosecution states that custodial interrogation is necessary and strongly oppose the Petitioner's request for anticipatory bail.

6. On the other hand, counsel for the Petitioner urges that the impugned order is based on conjectures and surmises. He also clarifies that that the Petitioner is an agent of Dubey Packers and Movers and the GST registration of M.P. Trans Packers and Movers in the name of Mr. Ravi Kant. The Complainant asked the Petitioner to cancel the delivery even though the vehicle was already in transit. He further submits that the vehicle of the Complainant has been handed over to the Investigating Officer. In any event, the Petitioner without prejudice to his rights, is willing to return the amount of INR 35,500/- to the Complainant which is alleged to have been paid in total. He further submits that even in the past, the Petitioner has successfully transported motorbike belonging to the Complainant from Delhi to Mumbai. In such circumstances, this is a case of only misunderstanding and no wrongdoing on his part.

7. The Court has considered the afore-noted contentions.

8. On 7th June, 2024, the Petitioner was granted interim anticipatory bail on the conditions delineated therein. Counsel for the Petitioner contends that the Petitioner has since then appeared for interaction on 7th June, 2024 and 8th June, 2024. Further, the Petitioner undertakes to appear before Investigating Officer as and when directed. Moreover, the vehicle in question has been recovered from the house of the Petitioner.



9. The issue regarding the documentation pertaining to GST registration of Dubey Packers and Movers being fake is to be examined on the basis of the electronic record available with the GST office. This can easily be done independent of the Petitioner's co-operation and custodial interrogation is not necessary.

10. Undoubtedly, anticipatory bail is not to be granted routinely, however, in cases where the accused has joined investigation and has been co-operating with the investigation agencies and not posing any threat of absconding, custodial interrogation ought to be avoided.

11. Considering the above, the present application is allowed and the Petitioner is admitted to Anticipatory Bail on furnishing a personal bond of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of Duty MM/IO to the following conditions:

- a) The Petitioner shall cooperate in the investigation and appear before the Investigating Officer of the case as and when required;
- b) The applicant shall not leave the boundaries of the country without informing the IO/ SHO concerned;
- c) The applicant shall not contact the witnesses or tamper with the evidence in any manner;
- d) The Petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- e) The Petitioner shall provide his/her mobile number(s) to the Investigating Officer and keep it operational at all times;
- f) In case of change of residential address and/or mobile number, the petitioner shall intimate the same to the Investigating Officer/Court concerned by way of an affidavit.



g) The Petitioner shall make a deposit of Rs. 35,500/- to the Complainant within a period of 30 days. For the payment, the Petitioner shall coordinate with the Investigating Officer. In the event, the Complainant is not inclined to accept the payment, the same may be deposited to the concerned trial Court.

12. With the above directions, the present application is disposed of.

SANJEEV NARULA, J

JANUARY 7, 2025/ab