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

+ **BAIL APPLN. 2477/2025**

VINOD KUMAR THAPA

.....Petitioner

Through: Mr. K.Z Khan along with Mr. Suresh Kumar, Advocates.

versus

THE STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for the State along with SI Trilok Kumar PS Karol Bagh.

Mr. Raghav Narayan, Advocate for the Complainant.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

26.09.2025

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1. The present application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 438 of the Code of Criminal Procedure, 1973²) seeks pre-arrest bail in FIR No. 266/2021 registered under Section 420/120B of the Indian Penal Code, 1860³ at P.S. Karol Bagh.

2. The aforesaid FIR was lodged pursuant to the complaint of Shri Gurpreet Singh, who alleged that he was defrauded of approximately INR 2.37 Crores in connection with the purported purchase of land in Dehradun. The fraud was perpetrated through multiple forged Agreements to Sell, under the guise of a lucrative real estate transaction. During the course of investigation, it emerged that the accused persons, including the Applicant,

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



criminally conspired by impersonating landowners, buyers, and revenue officials to induce the Complainant. The Complainant was introduced to the Applicant, who presented himself as an associate of a reputed real estate group and assured the Complainant of a profitable investment opportunity. Acting on such representations, the Complainant executed several agreements to sell with co-accused Sudarshan Singh Aswal, who falsely represented himself as the lawful owner of the land. Subsequently, the Complainant became aware that the accused persons had made fraudulent representations, were not the legitimate land-owners, and had cheated him by producing forged documents, impersonating public officials, and fabricating fictitious third-party buyers.

3. Counsel for the Applicant contends that he has been falsely implicated. It is submitted that the Prosecution's case against him is limited to his role as an associate working in a real estate firm. He further submits that any payments made by the Complainant were directly to the intending seller, Sudarshan Singh Aswal. It is also pointed out that the Complainant has already settled the dispute with Sudarshan Singh Aswal, who has consequently been released on bail. He further states that pursuant to the directions of this Court, the Applicant has joined investigation and is willing to cooperate with the Investigating Agency. Accordingly, he prays that the Applicant be granted pre-arrest bail.

4. On the other hand, Mr. Amit Ahlawat, APP for the State, as well as Mr. Raghav Narayan, counsel for the Complainant, oppose the bail application. They submit that the Applicant is the key conspirator, who orchestrated the fraud and impersonation. It is alleged that he received and laundered part of the defrauded funds into his own and his relatives' bank



accounts, as evidenced by bank statements. Furthermore, since the Applicant misled the investigation by providing false information regarding monetary transactions involving himself and other co-accused, his custodial interrogation is necessary.

5. The Court has considered the aforementioned contentions. Pursuant to the directions issued by this Court, the Applicant has duly joined investigation and has undertaken to cooperate with the authorities as and when required. It is also noted that the Prosecution's case primarily relies on documentary evidence that has already been recovered during investigation. Further, the allegation that the Applicant personally received or misappropriated any part of the cheated amount has to be determined at the stage of trial. However, at this stage, this alone does not constitute sufficient grounds to warrant custodial interrogation.

6. The Supreme Court has repeatedly emphasized that the provision of anticipatory bail, under Section 438 Cr.P.C., is rooted in Article 21 of the Constitution of India, which guarantees personal liberty. Section 438 aims at protecting the personal liberty of an individual, who, at the time of seeking anticipatory bail, has not been convicted of the alleged offence and is entitled to the presumption of innocence.⁴ Accordingly, in the totality of the foregoing circumstances, the Court finds it to be a fit case for the grant of anticipatory bail. The application is, therefore, allowed. The Applicant, in the event of arrest, is directed to be released on bail on furnishing a bail bond for a sum of ₹25,000/- with two sureties of the like amount subject to the satisfaction of the concerned SHO, on the following conditions:

⁴ Gurbaksh Singh Sibbia and Others v. State of Punjab, (1980) 2 SCC 565; Siddharam Satlingappa Mhetre v. State of Maharashtra and Others, (2011) 1 SCC 694.



- a. The Applicant shall join and cooperate with the investigation as and when directed by the IO;
- 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 Applicant shall give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;
7. 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.
8. 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.
9. Copy of the order be communicated to the concerned Jail Superintendent for necessary information and compliance.
10. The application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

SEPTEMBER 26, 2025/MK