$~3

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

\+ **BAIL APPLN. 3842/2024**

DHANKESH YADAV .....Petitioner

Through: Mr. Vivek Sood, Senior Advocate with Rajiv Dewan, Advocate.

versus

STATE (NCT OF DELHI) .....Respondent

Through: Mr. Nawal Kishore Jha, APP for State with IO in person and Inspector Deepak Kumar Yadav, PS Mayapuri Mr. Siddharth Aggarwal, Senior Advocate with Mr. Nishant Datta, Advocate for complainant.

CORAM:
HON'BLE MR. JUSTICE GIRISH KATHPALIA

O R D E R

% **24.04.2025**

[**Physical Hearing/Hybrid Hearing (as per request)**]

1. The accused/applicant seeks regular bail in case FIR No.83/2023 of PS Mayapuri for offence under Section 420/467/468/471/472/120B IPC. I have heard learned Senior Counsel for the accused/applicant, learned APP and learned Senior Counsel for complainant *de facto*.

2. Earlier, this application was heard by a coordinate bench on 11.12.2024 and the matter was adjourned to 17.03.2025 but on that day, the matter could not reach till 05:25pm, so I adjourned the matter to this date. Learned counsel for both sides submit that the matter need not be sent back to the earlier bench since the Hon'ble Judge holding the earlier bench is not on Criminal Side now and it would be in the interest of expeditious disposal

if this matter is heard by this court. For the sake of convenience, order dated 11.12.2024 of the predecessor bench is extracted below:

> *"After hearing Mr. K.K. Tiwari, learned counsel appearing for the petitioner; Ms. Shubhi Gupta, learned APP for the State; as well as learned counsel appearing for the complainant, it transpires that the petitioner is co-owner of a property bearing No.G-34 Green Park, New Delhi, which he is alleged to have transferred to the complainant by way of a forged sale deed. 2. It also transpires that the forgery committed, including forging of stamp paper, which is the basis of the allegation under section 467 of the Indian Penal Code, 1860 ('IPC').*
> *3. Ms. Gupta has handed-up a copy of Status report dated 11.12.2024. The same is taken on record.*
> *4. Furthermore, learned APP points-out that the petitioner is also implicated in another case bearing FIR No. 122/2023 registered under 420/406/120B/174A IPC at P.S.: Safdarjung Enclave, Delhi, in which he is alleged to have committed cheating and other offences in relation to the same property that is subject matter of the present case.*
> *5. Learned APP submits, that though some of the co-accused persons have been admitted to bail, it is the petitioner who is the co-owner of the subject property and has received money towards its sale, which was based on forged documents. 6. Learned counsel for the complainant submits that they have filed a petition seeking cancellation of the bail of the co-accused persons, which is listed next on 17.03.2025. 7. Learned APP further submits that the co-owner of the subject property, one Ajit, is absconding and though charge-sheet has been filed against the petitioner, the I.O. proposes to file a supplementary charge-sheet against the co-accused once he is apprehended. Ms. Gupta submits, that in the circumstances, further consideration of the present bail petition be deferred till such time as the co-accused Ajit is apprehended and charges have framed against the petitioner. 8. In view of the above, this court is not persuaded to enlarge the petitioner on regular bail at this stage. 9. In view of the above, re-notify for further consideration on 17th March 2025.*
>
> ***ANUP JAIRAM BHAMBHANI, J***
>
> ***DECEMBER 11, 2024/ss"***

3. Broadly speaking, the allegation of the complainant *de facto* Mr. Kuldeep is that he owns an immovable property situated in Lajwanti Garden and agreed to exchange the same with an immovable property situated in

Green Park owned by Mr. Dhankesh (*the present accused/applicant*) and Mr. Ajit. The transaction was organized through property dealers namely Mr. Gunveen and Mr. Jitin. It is further alleged by Mr. Kuldeep that he paid total amount of more than Rs.2 crores to Mr. Dhankesh and Mr. Ajit through the property dealers but was cheated in the sense that the title documents of the Green Park property were found forged.

4. On the other hand, the accused/applicant denies the above transactions and contends that neither any money was received by him nor did he forge any document.

5. Today, learned Senior Counsel for the accused/applicant took me through the FIR to point out that out of three tranches of the alleged payments, not a single penny has been shown to have been received by the accused/applicant, so there is no allegation of wrongful gain. As regards the alleged forgery, it is contended by learned Senior Counsel that even according to the complaint, the allegedly forged title deeds were given to Mr. Kuldeep by the remaining accused persons and not by the present accused/applicant.

6. On the other hand, learned Senior Counsel for complainant *de facto* contends that there are specific allegations that the accused/applicant participated in multiple meetings pertaining to the sale transaction of Green Park property, so it is not believable that he would not have demanded his share in the sale proceeds received by Mr. Ajit from Mr. Kuldeep. On this issue, the IO has to unearth the money trail. Further, it is explained by learned Senior Counsel for complainant *de facto* that the case involves two sets of title deeds of Green Park property. One set of title deed in favour of Mr. Dhankesh and Mr. Ajit was the one handed over to the complainant *de*

facto while the other set is the one that was handed over to a third party purchaser, who approached the Civil Court and disclosed that the Green Park property had already been sold to him prior to the transactions between the present parties started, which is cheating according to him. The set of title deeds delivered to the third party purchaser was found to be a genuine set of title deeds and accordingly, the set of title deeds handed over to the complainant *de facto* was apparently the forged one and has been sent for forensic analysis. According to learned Senior Counsel for complainant *de facto,* if signatures of Mr. Dhankesh on the title deeds sent to FSL is found genuine, it would show his complicity in forging the signatures of his predecessor in interest.

7. Under these circumstances, learned Senior Counsel for the accused/applicant on instructions seeks permission to withdraw this application with liberty to file fresh application upon receipt of FSL Report.

8. Accordingly, the application is dismissed as withdrawn with liberty as sought. The IO is directed to ensure expeditious report from FSL by way of priority letter to be issued by the concerned DCP ensuring that the FSL Report is received as soon as possible but positively within four weeks. The IO shall also investigate money trail in above terms and submit a Status Report as and when fresh bail application is filed.

GIRISH KATHPALIA, J

APRIL 24, 2025/*ry*

Click here to check corrigendum, if any