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

\+ BAIL APPLN. 3992/2024

RAHUL PACHOURI .....Petitioner

Through: Mr. Anil Jaryal, Advocate

versus

THE STATE NCT OF DELHI .....Respondent

Through: Ms. Kiran Bairwa, APP for the State with SI Sunita, P.S. Shahdara
Mr. D.D. Pandey and Mr. Harish Kumar, Advocate for the complainant

CORAM:
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

O R D E R

% **29.01.2025**

1. The present application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereafter '*BNSS*')/Section 438 of the Code of Criminal Procedure, 1973 (hereafter '*Cr.P.C.*') has been filed on behalf of the applicant seeking grant of anticipatory bail in case arising out of FIR bearing no. 409/2024, registered at Police Station Shahdara, Delhi for offence punishable under Section 420 of Indian Penal Code, 1860 (hereafter '*IPC*').

2. As per the Status Report, the brief facts of the case are that the present F.I.R. was registered on 02.10.2024, in the view of the order passed by the learned JMFC, Karkardooma Courts, dated 13.08.2024, on an application filed under Section 156(3) of Cr.P.C. in the case of '*Muthoot Fincorp Ltd. v.*

Rahul Pachouri'. In the complaint filed by Muthoot Fincorp Ltd. received, it was stated that the complainant is a Non-banking Financial company, registered license holder of RBI, and one of the schemes of the complainant is to provide short term loan against pledge of Pure Gold. The applicant/accused herein had availed three different loans from the complainant. A loan of Rs. 5,07,000/- was obtained by the applicant *vide* EGL Loan no. 2045000543 on 28.06.2023. The applicant/accused herein had informed the branch manager of the complainant company that he had made a payment of Rs. 5,08,521/- on 01.11.2023 through online mode and on this pretext, he had got his gold released from the complainant. After a few days, the corporate office of the complainant company had found that no such payment was received in the company's account. Thereafter, a complaint was lodged by the complainant company against the applicant herein on 29.11.2023. Thereafter, the applicant had issued a cheque of Rs. 5,00,000/- on 13.12.2023 to the complainant company, but the said cheque was dishonoured due to "insufficient funds".

3. During the course of investigation, the complainant informed the I.O. that in the year, 2023, the accused had availed multiple gold loans from the complainant company. The applicant/accused, during the course of investigation, stated that he had repaid all the loans and submitted their closure receipts.

4. The learned counsel appearing on behalf of the applicant argues that the applicant has been falsely implicated in the present case. However, the learned counsel states on instructions that the applicant is willing to deposit an amount of Rs.5,07,000/- with the learned Registrar General of this Court in the form of an interest bearing FDR. Therefore, it is prayed that the

present applicant be granted anticipatory bail.

5. The learned APP appearing on behalf of the State, on the other hand, strongly opposes the present application, and argues that despite joining the investigation, the applicant/accused was not cooperating and was contradicting his own statements. Therefore, it is prayed that the present application be dismissed.

6. This Court has heard learned counsel appearing on behalf of the parties and has perused the material placed on record.

7. Having perused the case file, this Court finds that the allegations against the present applicant/accused pertain to non-repayment of a loan amount of Rs.5,07,000/-. It is also not disputed that applicant had in fact made payment of three out of the four loans obtained from the complainant company. During the course of arguments, the learned counsel appearing for the applicant submitted that the applicant is ready to deposit the disputed amount.

8. Accordingly, the applicant is directed to deposit the entire disputed amount of Rs. 5,07,000/- with the learned Registrar General of this Court in the form of an FDR within a period of two weeks from the date of this order. The payment shall be made in full, without any conditions, and the Registrar General shall issue a receipt confirming the deposit.

9. Considering the overall facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the applicant/accused. In view thereof, it is directed that in event of arrest, the applicant shall be released on his furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount to the satisfaction of the IO/SHO concerned, on the following terms and conditions:

i. The applicant shall not leave country without prior permission of the concerned Court.

ii. The applicant shall join investigation as and when required by the concerned I.O./SHO.

iii. The applicant shall not directly or indirectly make an attempt to influence the witnesses or tamper with the evidence in any manner.

10. The present application is accordingly disposed of.

11. It is clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

12. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 29, 2025/ns

Click here to check corrigendum, if any