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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4232/2024**
SH MANISH KAPOOR

.....Petitioner

Through: Mr. Ajay Malhotra, Adv.

versus

STATE OF NATIONAL CAPITAL TERRITORY OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP
SI Ashish, PS Rajouri Garden

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
10.01.2025

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1. This is a petition seeking bail in the FIR No. 560/21 dated 03.07.2021 registered at PS Rajouri Garden under Sections 420/468/471/120-B of IPC.
2. As per the FIR, it is stated that the complainant purchased property bearing No. B-44, First Floor, Sector-B & C, Vishal Enclave, New Delhi - 110027 from the petitioner and paid valuable consideration of Rs. 99.8 lakhs for the same. Subsequently, it transpired that the petitioner had already taken loan on the said property from Reliance Home Finance Ltd. and hence the property had a pre-existing charge and was not free from encumbrances.
3. As per the Nominal Roll dated 02.01.2025, the petitioner has been in custody for a period of 6 months 5 days.
4. The learned counsel for the petitioner states that there is an MoU executed between the petitioner and the complainant showing that the



petitioner had taken a loan from the complainant and that the Sale Deed executed between the parties was only meant as a security.

5. Ms. Dalal, learned APP states that in the chain of events, the earlier Sale Deed in favour of the petitioner executed between Mr. Harpal Singh and the petitioner is also forged and fabricated.
6. I have heard learned counsel for the parties.
7. In the present case, there is an MoU executed between the petitioner and the complainant. As per the MoU, the petitioner had taken a loan from the complainant. There may be some credibility in the submissions of the learned counsel for the petitioner that the Sale Deed was executed as a security/collateral to secure the loan advanced by the complainant. However, the factum whether the Sale Deed in question was purely a collateral or was entered into with an intent to deceive and cheat the complainant can only be ascertained once the parties have led evidence and the trial is concluded.
8. Additionally, the fact alleged by the Ms. Dalal, learned counsel on whether the forgery of the earlier Sale Deed was committed by the petitioner or the complainant can also be ascertained only during trial as in the said Sale Deed, the signatures of the petitioner are also found to be not that of the petitioner.
9. The fact remains that out of Rs. 99.8 lakhs, the petitioner has already returned Rs. 71.5 lakhs and is ready to deposit the balance amount of Rs. 27 lakhs with the Registrar General, Delhi High Court within 6 months from today.
10. The charge sheet has already been filed.
11. The petitioner is still an under trial prisoner and the charges against the



petitioner remain to be substantiated.

12. For the said reasons, I am inclined to allow the present bail petition and enlarge the petitioner on bail on the following terms and conditions:-
 - (a) The petitioner shall furnish a personal bond in the sum of Rs. 10,000/- (Rupees Ten Thousand Only) with one surety of the like amount to the satisfaction of the concerned Trial Court;
 - (b) The petitioner shall provide his mobile number to the concerned IO, which shall be kept in working condition and switched on at all times. The petitioner shall also provide his permanent residential address and in case of change of residential address or contact details, the petitioner shall promptly inform the same to the concerned IO as well as to the concerned Court;
 - (c) The petitioner shall not leave the country without permission of the concerned Court during the bail period and surrender his passport, if any, at the time of release before the concerned Court;
 - (d) The petitioner shall not directly/indirectly try to get in touch with any prosecution witnesses or tamper with the evidence.
13. The observations made hereinabove are only for the purpose of deciding the bail application and will not influence the final outcome.
14. In case the deposit of amount of Rs. 27 lakhs is not made with the Registrar General, Delhi High Court within 6 months from today, the respondent will be at liberty to file an application seeking modification of the order passed today.
15. The status report handed over in Court today is taken on record.
16. The petition is disposed of in the aforesaid terms.



17. *Dasti*

JANUARY 10, 2025 / (MS)

JASMEET SINGH, J

Click here to check corrigendum, if any