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

+ **BAIL APPLN. 66/2025**

JAVED KHALID DAR

.....Petitioner

Through: Mr. Farman Ali, Ms. Usha Jamnal
and Mr. Krishan Kumar, Advocates

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Laksh Khanna, APP for the State
WSI Garima Bhatia, DIU/NWD

CORAM:s

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

10.01.2025

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1. This is a petition filed under Section 482 of the Bharatiya Naagrik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No. 536/2016 under Section 420/120 B of the Indian Penal Code ('IPC') registered at P.S. Mahendra Park, North-west, Delhi.

2. It is stated that the FIR No. 536/2016 pertains to the incident which allegedly occurred in the period from August to September, 2016. It is stated that the allegations against the Petitioner are that Respondent deposited a sum of Rs. 49,500 in the account of the Petitioner at the instance of the Mr. Istaq Ahmed. It is averred that the said amount was deposited by the complainant towards purchase of apples from the Petitioner herein.

3. Learned counsel for the Petitioner states that the Petitioner has been served with a notice under Section 41A of the Code of Criminal Procedure 1973 (C.r.P.C), on 23.10.2024 pertaining to the aforesaid deposit of Rs. 49,500. He states that it is the stand of the Petitioner that the apples were



duly delivered by the Petitioner to the complainant upon receipt of the said monies. He states therefore the Petitioner is not liable towards the complainant.

3.1. He states that the Petitioner had no notice of the lodging of the FIR against Mr. Istaq Ahmed. He states that the Petitioner is ready and willing to join the investigation and cooperate, however, he apprehends arrest upon presenting himself before the IO.

3.2. He states that to show his bona fide, without prejudice to the aforesaid assertion, the Petitioner is ready and willing to deposit the sum of Rs. 49,500 with the registry of this Court within a period two (2) weeks from today and the said deposit may be withheld until the final outcome of the investigation.

4. Issue notice. Mr. Laksh Khanna learned APP for the State accepts notice.

5. Learned APP states that at this stage, the police would be satisfied if the Petitioner joins the investigation and cooperates.

6. In view of the aforementioned facts, this Court is satisfied that the case for grant of anticipatory bail to the Petitioner is made out and the Petitioner is entitled to anticipatory bail.

7. Consequently, in the event of arrest, the Petitioner is directed to be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the arresting officer/IO/SHO concerned, further subject to the condition that the Petitioner will join investigation as and when directed and not influence any witness/complainant/victim or tamper with evidence of the case and that petitioner will not visit or venture anywhere in the vicinity of the complainant, complainant's house and/or the complainant's family



members.

8. The Petitioner is directed to remain present before the Investigating Officer (IO) on 17.01.2025 at 4:00 P.M.

9. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

10. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

JANUARY 10, 2025/msh/ms

MANMEET PRITAM SINGH ARORA, J

Click here to check corrigendum, if any