

Awaneesh Chandra Jha vs State Nct Of Delhi on 7 May, 2024

Author: Jyoti Singh

Bench: Jyoti Singh

\$-90

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 3511/2023

AWANEESH CHANDRA JHA

Through: Mr. Krishnagopal Ab
ve

STATE NCT OF DELHI

Through: Ms. Richa Dhawan,
Mr. Sudhir Nandrajog, Seni
Mr. Arjun Syal and Mr.Akhi
Advocates for applicant D.
4317/2024.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

OR

% 07.05.2024

1. This application has been filed on behalf of the applicant Awaneesh Chandra Jha S/o Mr. Devender Kumar Jha under Section 439 Cr.P.C. seeking regular bail in case FIR No. 295/2022 dated 24.12.2022 under Sections 408/409/420/467/468/471/120B IPC registered at PS: Crime Branch.

2. Updated Status Report has been handed over in Court and is taken on record. Counsel for the applicant states that he has already received advance copy of the Status Report.

3. Case of the prosecution as captured in the Status Report is as follows:

"1. That a case vide FIR No. 295/22 dt. 24.12.2022 u/s 408/409/420/467/468/471/120B IPG was registered on the complainant of Sh. Anil Nanda s/o Late Sh. H.P Nanda r/o 12-C, Friends Colony West New Delhi, received at WR-11, Crime Branch Dwarka sector-9 New Delhi vide Dy. NO.51-C, dt. 19.12.2022 wherein he stated that he came into contact with accused Awaneesh Chandra Jha, while he was in custody in This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:33:21 the year of 2016 on the basis of false cases filed by one Nikhil Nanda. Meanwhile the complainant shared his agony with accused and

exchanged his number with him. Thereafter, the complainant came out on bail and never contacted the accused Awaneesh but in February 2022, accused came to the complainant's residence at 12-C, Friends colony West, New Delhi to meet the complainant. Further accused represented himself as Tantrik/astrologer/self-styled Godman and have good relation in the judiciary as well as higher posts of Government officials. Believing him the complainant shared his litigations pending in the courts. Then accused assured him to get his litigations solved with the help of his above- mentioned relations. The accused started visiting the complainant in routine and for the purpose of winning his trust accused started helping the complainant by payments of servants salary, electricity bill and daily necessities etc.

2. The accused repeatedly insisted that he has made blunders and might lose his sole residential property 12-C, Friends Colony West Delhi, hence complainant got scared. In order to cheat the complainant, accused shared a copy of FIR No. 49/22 PS EOW registered against Shreedhar Rao and other accused persons and hence they succeeded in winning the trust of complainant. Again, the accused said that if he wants to save his property and JIPL company, he will have to give statement before the High court of Delhi that he has sold out his property bearing no. 12-C, Friends colony west Delhi to the accused Awaneesh Jha in CS(OS) 161 of 2022. Thereafter, complainant gave the statement as per direction of accused Awaneesh Jha in Delhi High Court that the above property has been sold to the accused by the complainant for a consideration of Rs. 38.50 crore. However, the said amount had never been paid by the accused Awaneesh Chander Jha. But in between alleged Awaneesh Chander Jha came to know that there was stay order operating against the said properties, hence he cannot purchase the above property. In addition to this alleged Awaneesh Chandra Jha was not in capacity to pay stamp duty charges. Using the digital signature of the complainant he got the share of JIPL company transferred to his name and changed the director of JIPL company. All the vital information was passed on by Radha Krishan who is secretary of the complainant for last 30 years. As the complainant is above 70 years and have various medical issues, all this came in notice of accused and accused Awneesh Jha took over all medical records of the complainant and he ensured the complainant that complainant's treatment handled by the doctors are known to the accused person. He used to give medicines without prescription which made the complainant senseless and then taking advantage of the situation accused got several blank papers and cheques signed by the complainant. Giving the shape to his plan accused play a trick and projected a stoy that police officials have come from Haiyana police to arrest him. Further he phoned This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:33:21 him to leave his property to escape his arrest and then complainant left his property bearing 12-C, Friends Colony West New Delhi from back the side on instruction of the accused Awneesh Jha. In addition to this

accused person kept the complainant in several Hotels situated in Delhi and Gurugram (HR).

3. During course of investigation accused person namely Awaneesh Chandra Jha s/o Sh. Devender Kumar Jha r/o Plot No.7, Dang Complex, 2nd floor Right side Saidullajab IGNOU Road South Delhi, age- 34 years was arrested and one Mercedes car bearing No. DL3CCW1905 has been recovered from the possession of accused Awaneesh Chandra Jha. At the instance of the accused Awaneesh Chandra Jha, three mobile phone containing important and incriminating conversations with the complainant Anil Nanda were found which proves the crime. In the mobile there is conversation between accused Awneesh Jha and co-accused of the whole conspiracy. One cheque book issued in favour of Joint Investment Private Limited and some keys of property bearing No.12-C, Friends colony West has also recovered from his possession. On interrogation accused disclosed that he has committed cheating not only with the complainant but also with many other innocent persons through same modus operandi. He also disclosed that he got blank papers signed by the complainant for transfer of directorship of all of his companies and their 100 % shareholding in his name 85 other vital documents related to properties issue. In his disclosure statement accused Awneesh Kumar Jha disclosed that he could help in recovery of various documents and papers from Delhi and Gurgaon related to the present fraud and fraud committed with another person. Also, he can get other accused identified from their hideouts and get them arrested. On the instance of accused Awaneesh Chandra Jha his associates namely T. V Radha Krishan(Trikkur Venkatachalam Radha Krishnan) s/o Late T.K Venktachalam r/o H. No. H-53, Jalvayu Vihar, Sector-29, Faridabad, Haryana, Age:- 63 Years and Mazid All s/o Sajid All r/o L-1, 17-18, Gall No. 6, Near Church, Sangam Vihar, New Delhi- 110062 Age:- 30 years were also arrested.

4. Further during course of investigation blank papers having signature of complainant and other property documents were recovered on the instance of accused Awaneesh Chandra Jha, form F-2577 Palam Vihar Gurugram Haryana. The recovered case properties have been taken into police possession through seizure memo. Further during course of investigation, accused disclosed that some blank signed papers, digital signatures and some antique articles, took away from house of complainant, have been given to Mazid Ali and Radha Krishan.

5. As the complainant stated that original documents of Property 12-C, Friends Colony New Delhi are with Saranala Shreedhar s/o S. Bahu Rao r/o Plot No.13,14,15, DR No. 8-2-293/82/NG13-15, road no.69, Nadagiri Hills, Castle House, Jublee Hills, Greater Hyderabad Telangana, a notice This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:33:21 u/s 91 Cr.p.c was served upon the alleged Saranala Shreedhar s/o Babu Rao through whatsapp (9347729538) vide diary no.26 ACP/WR-II, Crime Branch dated 19.01.2023 but despite being seen

the message he did not reply of the notice. Later on, another notice u/s 91/160 Cr.PC was served upon him through WhatsApp and again he saw the message but he did not appear in person nor give any reply in this regard. He kept avoiding the investigation. Hence, NBW got issued by the Hon'ble court vide order dated 16.02.2023. Thereafter, Saranala Sridhar was arrested on 20.02.2023 and transit remand was obtained.

6. As per agreement vide dated 28.02.2015, 09.10.2016 & 22.10.2017 executed between AKME PROJECT LIMITED (Anil Nanda), AKME RHINE RIVER PROJECTS PVT. LTD. (Anil Nanda & others) & MPC RHINE RIVER LTD, the first 220 Crore of the sale proceeds of the property shall go to MPC River Rhine. After this 45 Crore shall go to AKME and thirdly any remaining profit shall be split in the ratio 83:17 between MPC RR and AKME. These agreements are related to Bengaluru Project purchased by applicant and the same have been signed by the complainant.

7. On analysis of bank statement of escrow account, it was found that on 26.10.2018, Rs. 180 Cr has been paid to MFC River Rhine through escrow account No. 918020080720649 Axis Bank Hyderabad, Telangana to purchase the AKME Project at Bengaluru. In addition to this some other miscellaneous amount found to have been transferred to Mr. Anil Nanda. However, during period of PC remand Original will in connection of property bearing No. 12-C, Friends colony New Delhi, executed on 13.08.2021 in favour of Saranala Murlidhar s/o Saranala Sridhar Rao have been produced by accused Saranala Sridhar from his office situated in Hyderabad Telangana and the same have been taken in to police possession for the purpose of investigation.

8. On 13.03.23, accused Sreedhar Saranala was granted bail as he has settled the matter with the complainant as well as Rajnish Handa and he has given DD of Rs. 8 Crore, two PDC of Rs. 1 Crore each to the complainant Anil Nanda and DD of Rs. 4 Crore to Rajnish Handa.

9. The accused Awneesh Chandra Jha along with his associates got many blank papers signed from the complainant and used them for the purpose of transferring shares of JIPL in his name and subsequently, he became Director in JIPL. In connivance with Radha Krishan who was the former secretary of the complainant, Awaneesh obtained vital information as well as Digital signatures of the complainant. He made unauthorized access of the digital signatures of the complainant and performed illegal act of transferring shares of the complainant in his name. It is pertinent to mention that on the perusal of the Bank statement of the account of the complainant, no payment has been transferred by the accused to the This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:33:22 complainant in lieu of the transfer of share of JIPL as well as sale of above-mentioned property of the complaint.

10. During the course of investigation, on 30.12.2022, at the instance of accused Awaneesh Chandra Jha raid was conducted at F-2577 Palam Vihar Gurgaon H.R and a bag containing some vital documents was recovered from above said property. On checking the following relevant documents related to this case were found: - 1. Two blank papers bearing the signatures of Anil Nanda. One

blank paper bearing signatures and thumb impressions of Anil Nanda and signature of accused Awaneesh Chandra Jha. (Total 03 PP) 2. Original Agreement to sell and purchase executed between AN Enterprises Pvt. Ltd., Joint Investment Pvt. Ltd. (through Anil Nanda) and Saraltech Creations Pvt. Ltd. (through Rajneesh Handa) dated 11.04.2017 wrt property at Mauza Chaavag, Shimla, HP. (Total 13 PP). 3. Original MOU between Anil Nanda and Rajnish Handa dated 25.08.2022 regarding settlement. (Total- 02 PP) 4. Five papers bearing signatures of Anil Nanda on Deponent. 5. Original Takeover Agreement dated 13.08.21 between AN Enterprises, Anil Nanda, Vijay Kumar Sinha and Saranala Sreedhar regarding takeover of AN Enterprises by Saranala Sreedhar from Anil Nanda. (Total 07 PP) 6. One Blank Vakalatnama bearing signatures of Anil Nanda. 7. Addendum to Settlement Agreement dated 10.07.22 between Anil Nanda and Rajneesh Handa bearing signatures of only Anil Nanda. (Total 02 PP) 8. Copy of Resolution passed at meeting of Board of Directors of JIPL dated 18.05.2022 regarding "The Holme Summer Hill Shimla" at Mauza Chaavag, Shimla. (Total 07 PP) 9. Original full and final settlement agreement dated 03.07.2022 executed between Anil Nanda, Awaneesh Chandra Jha and Apogee Enterprises Pvt. Ltd. (Total 11 PP). 10. Original MoU dated 16.05.2022 executed between JIPL through Awaneesh Chandra Jha and Anil Nanda. (Total 05 PP) 11. Original MoU dated 02.09.22 between Saraltech Creations Pvt. Ltd., JIPL and AN Enterprises Pvt. Ltd. (Total 04 PP). 12. MoU dated 24.08.22 executed between Anil Nanda, Awaneesh Chandra Jha and JIPL. (Total:- 02 PP) 13. Original application for depositing balance settlement amount for compliance of Comprehensive settlement dated 03.07.2022. (Total 22 PP). 14. Original application/undertaking by way of affidavit of Anil Prasad Nanda in OMP(I)(COMM) No. 467 of 2016. (Total 08 PP). 15. Photocopy of Settlement Agreement dated 10.07.22 between Anil Nanda and Rajneesh Handa. (Total 05 PP) 16. Original application/suit for declaration between Saraltech Creations and. Anil Nanda. (Total 38 PP) 17. Unsigned complaint against Anil Prasad Nanda address to SHO, PS New Friends Colony. (Total 02. PP). 18. original cheque of Union Bank cheque No.037599 dt. 31.05.2022 Rs.5,68,800/- along with original electricity bill for CA NO. 100011744 The above documents were taken into police possession and seized through seizure memo.

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:33:22

11. Some other documents related to Poonam Garg were also taken into police possession through seizure memo details of seizure documents are as under: - On checking the following relevant documents related to properties of Poonam Garg were found: -1. Original MoU dated 08.03.2022 executed between Awaneesh Chandra Jha and Poonam Garg wrt property bearing address W-20, Green Park, New Delhi. (03 PP) 2. Original Gift deed dated 08.03.2022 between Poonam Garg and Master Suiyansh Garg and Master Garv Garg having signatures and thumb impressions of only Poonam Garg. Total 03 PPs. 3. Original receipt dated 04.03.2022, regarding handing over of original papers of Property address W-20, Green Park, New Delhi. 01 PP 4. Original affidavits dated 07.03.2022 signed by Poonam Garg for filing suit in court. 08 PP. 5. Complaint of Poonam Garg against Awaneesh Chandra Jha having signatures of Poonam Garg with photocopy of Adhar of Poonam Garg. 06 PP The above documents were taken into police possession and seized through

seizure memo and annexed with case file. The bag was also taken into police possession through seizure memo.

12. On 18.03.2023, sister of Mr. Anil Nanda, namely Veena Sakhuja w/o Late I.M. Sakhuja r/o E-5, Maharani Bagh New Delhi age- 81 years was examined at her address. On examination she stated that she and her sister Nini Nanda were having only 50-50 shares holders in JIPL company. Around 8th or 9th Mr. T.V Radha Krishan (Trikkur Venkatachalam Radhakrishnan) came to her and got signed.

13. A letter for transferring the shares back dated 10th May 2021 bearing signature of one Awaneesh Chandra Jha. In addition to this her daughter namely Gitika D/o I.M. Sakhuja r/o E-5, Maharani Bagh New Delhi was also examined as she stated that on the day of visit of Mr. T.V Radha Krishan she was also there and in her presence her mother signed the letter for transfer of shares back dated of 10 May 2021.

14.

List of Share Holders as on 31.03.2021	
Awaneesh Jha	82
Hari Raj Investment	30
A.N. Enterprises Pvt. Ltd.	12
Mrs. Rita Nanda	
Mrs. Veena Sakhuja	
Total:- 12500	

15. Details of companies of Anil Nanda in which directorships have been changed by accused Awaneesh Chandra Jha and in which he has appointed himself Director/Addl. Director are as under:-

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:33:22 Name of Registered ROC Designation Date of companies address registration appointment Hari Raj 12-C, 1982 Director 10.03.2021 Investment Friends Pvt. Ltd. colony Delhi JIPL -do- 1961 Director 26.03.2022 Escorst -do- 1951 Director 26.03.2022 Farms Ltd.

AN Entrps. -do-
xxx
17.

As per chats exchanged between applicant Awaneesh Chandra Jha & T.V Radha Krishan following incriminating evidences have come on records which are as under:

-

a. As the complainant was in judicial custody from 11.09.2022 to 01.11.2022. according to chats exchanged between accused Awaneesh Chandra Jha and Maxid All. On the direction of Awaneesh Jha Total 8200 shares had been transferred from Anil Nanda to Awaneesh Chandra Jha it has been mentioned on page No.324 whatsapp chats.

It could be made possible just because of applicant/ accused Trikkuran Venkatachalam Radha Krishnan who got the papers of share transfer signed by the sisters of complainant.

b. On page no. 406 dt. 23.09.2022 in WhatsApp chats accused Mazid is asking for the OTP complainant Anil Nanda. He has written that "Anil Nanda wala karva raha hu sir OTP de dena" while Anil Nanda was in judicial custody from 11.09.2022 to 01.11.2022. as the applicant was PA to Mr. Anil Nanda and he had all the information of JIPL company, he also got the papers of share transferring from Veena Sakhuja, signed. Hence it proves that all the relevant information had been passed on by applicant c. WhatsApp conversation between accused TV Radha Krishan and Awaneesh Jha point-out towards search of the safe and house Complainant Anil Nanda by accused TV Radha Krishan on instruction of accused Jha. (At page no. 429-431 of the main chargesheet) d. Mobile phone of complainant has not been recovered so far which was used to change the Aadhar Address of complainant and same was also used while complainant was in judicial custody.

e. Accused Dharmendra S/o Prem Singh is absconding, and there is possibility that he might possess the mobile phone and other vital documents related to complainant and companies.

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:33:22 f. Statements of Veena Sakhuja (sister of complainant) who signed the papers of back dated provided by the applicant/accused who was well known to his brother. She signed the papers just because of her blindfaith in applicant.

g. According to page no.440 T.V Radhakrishnan is talking with accused ACJ regarding change the connection electricity connection. h. On page no.450 T.V Radhakrishnan chatting with ACJ and writing that "I got the file and I can give you copy of securities purchase agreement dated 8th May 2006 between JIPI Anil Nanda and Goetz india there is no other documents in file".

i. On page no. 501 T.V Radhakrishnan chatting with ACJ and passing information regarding bailable warrant of Mr. Anil Nanda. It proves that applicant has played lots of information due to which accused took over the property 12-C Friends colony.

j. Some more details from ROC in connections with IP addresses still awaited.

k. Applicant/Accused may affect the fair process of investigation by threatening the victims and witnesses.

1. However, charge sheet had been filed in the Hon'ble court on 23.03.23 the FSL report in connection with recovered laptop & mobile phones are pending."

4. It is further stated that the applicant is previously involved in 11 FIRs, details of which are as under:-

"FIR No.1650/14 U/s 420 IPC PS Malviya Nagar, FIR No.1098/15 dt. 03.06.2015 U/s 420/40 IPC PS Malviya Nagar Delhi, FIR NO. 1935/15 DT. 16.10.2015 U/S 420/406 IPC PS Malviya Nagar, FIR NO. 1637/15 DT. 26.08.2015 U/S 420/406 IPC PS Malviya Nagar, FIR NO.1578/15 DT. 17.08.2015 U/S 420/406 IPC PS Malviya Nagar, FIR NO.359/16 DT. 14.03.2016 U/S 420/406 IPC PS Malviya Nagar FIR NO.484/16 DT. 10.05.2016 U/S 420/406 IPC PS Malviya Nagar FIR NO.416/16 DT. 31.03.2016 U/S 420/406 IPC PS Malviya Nagar FIR NO.0049/22 DT. 26.03.2022 U/S 406/419/420/120B IPC PS Economic offences Wing FIR NO. 446/22 DT. 26.11.2022 U/s 3(1)(X) Scheduled Caste & Scheduled Tribes Act, PS New Friends Colony, FIR NO. 97/23 PS Crime Branch"

5. Learned counsel for the applicant states that the applicant is innocent and has been falsely implicated in the present case. It is urged that the heart of the dispute lies in property bearing No. 12-C, Friends Colony (West), This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:33:22 New Delhi. The Complainant, astutely aware of the encumbrances shrouding the property's title, chose to initiate negotiations with the applicant, as a result of which the applicant agreed to buy the property and several legal documents such as Agreement to Sell, Affidavit, GPA, SPA, etc were executed on 10.05.2021. The consideration for transfer of the said property was transfer of applicant's ancestral property situated in Bihar, in favour of the Complainant. However, later the applicant learnt that the property had encumbrances in the form of charges emanating from Yes Bank as well as arbitration proceedings. Insolvency proceedings were initiated against the Complainant due to which an interim moratorium was operating. Complainant mischievously kept on delaying the execution of the Sale Deed and left with no option, applicant filed a civil suit being CS(OS) 122/2022, before this Court seeking execution of the Sale Deed. Complainant cleverly persuaded the applicant to execute a Memorandum of Understanding on 03.03.2022 and as a goodwill gesture applicant cleared a substantial amount outstanding towards the electricity bill. Later the applicant filed a second suit for specific performance being CS(OS) 161/2022, wherein the Complainant made an unequivocal declaration that he had sold the property to the applicant and received the sale consideration amounting to 38.50 Crores. On this score, applicant sought to withdraw the suit by filing an application under Order 23 Rule 3 CPC, which was not permitted by the Court but finally the applicant, Complainant and M/s Apogee Manufacturing Pvt. Ltd. settled the matter amicably and a Settlement Agreement was executed on 03.07.2022. Despite being party to all these litigations, Complainant chose to file a false and frivolous complaint against the applicant resulting in registration of the present FIR.

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:33:22

6. It is argued that the allegations against the applicant are false and frivolous and against Complainant's own stand in various litigations that he had sold the property in question to the applicant for consideration. In any case, the investigation is complete and charge-sheet and supplementary charge-sheet have been filed. All necessary documents pertaining to the applicant have been seized by the investigating agency and custody of the applicant is no longer required. It is evident that the disputes between the applicant and the Complainant are purely civil in nature and have been given the colour of criminal liability only to extort money from the applicant. It is further argued that mere pendency of other FIRs against the applicant cannot be a ground to deny bail in the present case as per the settled law of the land. In any case, the applicant is on bail in three FIRs being GR No. 308/2023, 396/2023 and 514/2023.

7. Learned APP for the State, per contra, relying on the Status Report argues that Complainant came in contact with the applicant while he was in custody in 2016 on the basis of false cases filed by one Nikhil Nanda. After the Complainant was granted bail in February 2022, applicant came to his residence and represented himself as Tantrik/Astrologer/Self-Styled Guruji and assured the Complainant that he had good relationships with people in Judiciary and the Government and would be able to manage all his pending litigations. Applicant convinced the Complainant that if he wanted to save his property and the Company, Joint Investment Pvt. Ltd. (JIPL), he would have to give a statement in Court in CS(OS) 161/2022 that he had sold his property to the applicant, which is what the Complainant did, albeit, no amount was ever paid by the applicant, which he now admits. Using the digital signature of the Complainant, the applicant transferred the shares of This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:33:22 JIPL in his own name and also changed the Directors. Complainant was having serious medical issues and the applicant taking advantage of this fact gave him medicines without prescription and under the influence of medicines, applicant got various blank papers and cheques signed from the Complainant.

8. Ms. Richa Dhawan further submits that the allegations against the applicant are of cheating and forgery and are serious. The mobile phone recovered from the applicant has revealed his involvement in the crime, which are not being disclosed in the Status Report for the sake of confidentiality. Cheque-book issued in favour of JIPL and keys of the Friends Colony property have also been recovered from his possession. At the instance of the applicant, co-accused T.V. Radhakrishanan has been arrested. From the WhatsApp chats exchanged between the applicant and co-accused Majid Ali, incriminating evidence has come on record. It was also found that total 8200 shares were transferred by the applicant using digital signatures of the Complainant and the latter was made to submit online resignation in the company namely, Hari Raj Investment. Applicant also

changed the Directorship of Vijay Kumar Sinha. He has not only cheated the Complainant but has also filed forged and fabricated documents in the Court in various litigations. Several FIRs have been registered against the Applicant for similar offences and he is the mastermind of a huge multi-victim scam. It is strenuously urged that while considering an application for bail the Court has to consider the gravity of the offence; criminal antecedents of the accused; likelihood of the accused committing further offences; and/or likelihood of the accused absconding or evading the process of law as well as the nature of evidence on record against the This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:33:22 accused and the case of the present applicant for grant of bail fails on all the parameters.

9. Heard learned counsel for the applicant and learned APP for the State.

10. The allegations levelled against the applicant are serious and grave. This Court is conscious of the fact that at the stage of grant of bail it must not enter into the realm of evidence, as that is the domain of the Trial Court. However, it is equally settled that there ought to be a prima facie satisfaction of the Court in support of the charge. [Ref: Ram Govind Upadhyay v. Sudarshan Singh, (2002) 3 SCC 598]

11. The genesis of the present FIR is the alleged fraudulent transfer of the property of the complainant at the Friends Colony through execution of forged and fabricated documents and without any consideration. Applicant is alleged to have made the complainant sign on several blank documents taking advantage of his old age and ill-health and under influence of wrong medication. As per the Status Report, investigation has revealed that applicant transferred 8200 shares of JIPL in his name using digital signatures and other confidential information, he had access to and appointed himself as a Director. Bank statements of the account of complainant revealed that no payment was transferred by the applicant to the complainant in lieu of the transfer of shares of JIPL as well as sale of the property. A false statement was made before the Court that complainant had sold the property for a sum of Rs.38.5 crores, whereas no payment was received and in fact today the applicant takes a different stand that the property was sold in consideration of transfer of his ancestral property in Bihar in favour of the complainant. As per the Status Report, several blank signed papers, affidavits and vakalatnama have been used to carry out This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:33:22 forgery and fabrication of documents, which have been recovered from his possession. Copies of multiple Aadhar Cards were found in his mobile phone. As per the prosecution, there is overwhelming incriminating evidence against the applicant at this stage connecting him to the crime and the WhatsApp chats between him and co-accused Mazid Ali recovered from the phone of the applicant establish a deep-rooted conspiracy. WhatsApp conversations between applicant and co-accused T.V. Radhakrishanan point to plans of search of the 'safe' and the house of the complainant. The mobile phone of the complainant and the original share certificates are yet to be

recovered. Co-accused Dharmendra is absconding and as per the prosecution, there is a possibility that he might possess phones or other vital documents relating to the complainant and his companies. In this background prosecution requires the custody of the applicant to unearth the entire conspiracy and recover the crucial documents.

12. Parameters for considering an application for grant of bail are no longer *res integra*. In *Prasanta Kumar Sarkar v. Ashis Chatterjee and Another*, (2010) 14 SCC 496, while cancelling the bail granted by the High Court, the Supreme Court observed that amongst other circumstances, the factors to be borne in mind while considering an application for bail are:

(a) whether there is any *prima facie* or reasonable ground to believe that the accused has committed the offence; (b) nature and gravity of the accusation;

(c) severity of the punishment in the event of conviction; (d) danger of the accused absconding or fleeing, if granted bail; (e) character, behaviour, position and standing of the accused; (f) danger of justice being thwarted by grant of bail; and (g) likelihood of the offence being repeated.

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:33:22

13. Keeping these principles in mind and seeing holistically, in my view, applicant cannot be enlarged on bail at this stage. This Court is fortified in its view by an order of a co-ordinate bench of this Court in *Ajit v. State*, 2024 SCC OnLine Del 1285. The allegations are serious and looking at the criminal antecedents of the applicant, with as many as 11 cases registered against him and all involving cheating, there is a propensity to commit crime repeatedly. The case before the Trial Court is at a nascent stage and charges are yet to be framed. Prosecution has taken a categorical stand that crucial documents such as the share certificates, mobile phones, details of digital signatures, etc. are yet to be recovered. FSL Report is awaited. Applicant has made changes in shareholding of several companies and there are chances of his tampering with evidence and fleeing from justice.

14. Application is accordingly dismissed.

15. It is, however, made clear that nothing expressed in this order shall be construed as an expression of opinion on the merits of the case. CRL.M.A. 4317/2024 (by Applicant D. Lohrii, for impleadment as Respondent)

16. This application is disposed of with liberty to the applicant to take recourse to appropriate remedies in law.

JYOTI SINGH, J MAY 07, 2024/Shivam/B.S.Rohilla This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:33:22