

Devender Singh vs Government Of Nct Delhi on 8 January, 2021

Author: Mukta Gupta

Bench: Mukta Gupta

\$~16

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 3768/2020
DEVENDER SINGH

Represented by: Mr. Ashish Pandey, A
versus

GOVERNMENT OF NCT DELHI
Represented by: Mr. Amit Gupta, APP

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA
ORDER

% 08.01.2021 The hearing has been conducted through Video Conferencing.

1. This is a second bail application.

2. By this petition the petitioner seeks bail in case FIR No.160/2020 under Sections 467/420/419/120-B IPC registered at Police Station Sunlight Colony on the complaint of one Sanjeev Kumar.

3. In the complaint Sanjeev Kumar alleged that on 10 th June, 2020 one person namely Ashish contacted him through mobile No.8595481857 on behalf of the ICICI Bank for giving loan. He further stated that the said Ashish sent a person namely Abhishek with the mobile No.8595480381 on 10th June, 2020 itself at his residence and asked the KYC documents. Since the documents were in the factory, the complainant told Abhishek to collect the documents from Okhla. Abhishek visited Okhla and got the documents along with six cheques of two Banks that is SBI and Canara Bank of the current account in the name of M/s. Tavishi Enterprises from the complainant at about 5:00-6:00 p.m. Signing Date:08.01.2021 23:14:09 This file is digitally signed by PS to HMJ Mukta Gupta

4. On 11th June, 2020 SIM of the complainant with the mobile No.9873579921 got deactivated at around 12:00 noon. This fact was noticed by the complainant at 3:00 p.m. as he received no calls or SMS. On checking, it was revealed that the SIM card was deactivated on the complaint that the same has been lost, on an information given by the Vodafone Customer Care. The complainant became suspicious and on checking the Bank accounts it was revealed that 7 lakhs, that is 3.40 lakhs from Canara Bank and 3.60 lakhs from State Bank of India were withdrawn.

5. During the course of investigation CDRs and CCTV footages were examined and it is the case of

the prosecution that on the date of incident the petitioner's car bearing No.HR-72B-1367 was found near the Bank area. Further incriminating evidences were also revealed.

6. Learned counsel for the petitioner claims parity with the co-accused claiming that the similarly placed co-accused are either on bail or on anticipatory bail.

7. A perusal of the order of the learned Trial Court would reveal that accused Kamal Sharma agreed to deposit a sum of 2.30 lakhs which was his share and was thus granted bail. Further, co-accused Durvesh Kumar was also granted interim protection by this Court on depositing a sum of 3.60 lakhs.

8. Learned counsel for the petitioner states that the petitioner is also willing to deposit his share of the money which is 2.34 lakhs within a period of two weeks.

9. Learned APP for the State has filed the status report and states that during the course of investigation on the request of the Investigating Officer Signing Date:08.01.2021 23:14:09 This file is digitally signed by PS to HMJ Mukta Gupta the Bank account of the petitioner has been frozen.

10. As per the status report the petitioner was earlier also involved in a similar offence being case FIR No.449/2015 under Sections 420/34 IPC registered at Police Station Dwarka Sector 23. Learned counsel for the petitioner states that in the said case the petitioner was granted anticipatory bail and the trial is going on.

11. Considering the fact that the petitioner is willing to deposit a sum of 2.30 lakhs, this Court deems it fit to grant bail to the petitioner as he is in custody since 29th June, 2020.

12. Consequently, on the petitioner's depositing a sum of 2.30 lakhs within two weeks with the learned Trial Court in the form of an FDR in the name of the learned Trial Court, the petitioner be released on bail on his furnishing a Personal Bond in the sum of 25,000/- with one Surety Bond of the like amount to the satisfaction of the learned Trial Court, further subject to the condition that the petitioner will not leave the country without the prior permission of the Court concerned and in case of change of the residential address, the same will be intimated to the Court concerned by way of an affidavit.

13. Once the petitioner deposits the amount of 2.30 lakhs in the form of an FDR before the learned Trial Court, the Investigating Officer will write to the concerned Bank seeking de-freezing of the account of the petitioner.

14. Petition is disposed of.

15. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

JANUARY 08, 2021/vk Signing Date:08.01.2021 23:14:09 This file is digitally signed by PS to HMJ
Mukta Gupta