

Mayank Pandey vs State (Nct Of Delhi) on 3 April, 2025

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision:

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BAIL APPLN. 4458/2024

MAYANK PANDEY

Through: Mr. Murari Tiwari, Adv

versus

STATE (NCT OF DELHI)

Through: Mr. Nawal Kishore, APP

Sandeep Singh, PS Ghazi

CORAM:

JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. In furtherance of last order, I have heard learned counsel for accused/applicant as well as learned prosecutor.

2. The accused/applicant seeks anticipatory bail in case FIR No. 302/2024 of PS Ghazipur for offence under Section 420/468/471 IPC.

3. Learned counsel for accused/applicant submits that he is innocent and has been falsely implicated in this case. It is further submitted that a purely civil dispute has been given colour of criminality only to fix the accused/applicant. Further, learned counsel for accused/applicant submits that ever since first date of hearing of this matter, the accused/applicant has BAIL APPLN. 4458/2024 Page 1 of 3 pages GIRISH KATHPALIA DN: c=IN, o=HIGH COURT OF DELHI, o u = D E L H I H I G H C O U R T , 2.5.4.20=8401dd889b27a77b2f65ffffe4afec45569af3962c6fb4835d435f97626cacca, p o s t a l C o d e = 1 1 0 0 0 3 , s t = D E L H I , serialNumber=D3E86796451EC45Co7B5D15570996B40F8oCBD2EEE6o4o2C487965FF8o1E26FA, cn=GIRISH KATHPALIA Date: 2025.04.03 17:53:46 -07'00' been joining investigation as and when called by the IO, so there is no reason to deny him liberty. It is also argued by learned counsel for accused/applicant that nothing incriminating has to be recovered from him and no custodial investigation is required.

4. Learned prosecutor on instructions of the IO/SI Sandeep Singh submits that the accused/applicant has been joining investigation as and when directed. It is also not denied that no custodial interrogation is required and no recovery has to be made. However, learned APP opposes the bail on the ground that the investigator apprehends that the accused/applicant would interfere in the investigation and would pressurise the complainant de facto to withdraw her complaint as earlier, the accused/applicant and the complainant de facto were working in the same company.

5. Broadly speaking, the case set up by prosecution is that the accused/applicant and the complainant de facto were working in same company, namely Leverage Edu, which was engaged in sending students abroad for studies. However, subsequently, the accused/applicant switched over to another company namely Education Vibes, engaged in same business. Daughter of the complainant de facto had to be sent to U.K. for studies but Leverage Edu being busy with work, the complainant de facto took help of the accused/applicant. With the efforts of the accused/applicant and his business associates, daughter of complainant de facto reached U.K. and is studying there now. The allegation against the accused/applicant is that he collected money from the complainant de facto towards charges and BAIL APPLN. 4458/2024 Page 2 of 3 pages GIRISH KATHPALIA DN: c=IN, o=HIGH COURT OF DELHI, ou=DELHI HIGH COURT, 2.5.4.20=8401dd889b27a77b2f65ffffe4afec45569af3962c6fb4835d435f97626cacca, postal Code = 110003, st = DELHI, serialNumber=D3E86796451EC45C07B5D15570996B40F80CBD2EEE60402C487965FF801E26FA, cn=GIRISH KATHPALIA Date: 2025.04.03 17:53:30 -07'00' transferred a part of the same to the concerned authorities but retained a part thereof. Further allegation is that the accused/applicant handed over to the complainant de facto one T.T. receipt (Type and Transmission as described by IO), which had been received by him from the concerned authority, but that T.T. receipt was found forged. It is disclosed by the Investigating Officer that the accused/applicant in his interrogation stated that he had not handed over that T.T. receipt to the complainant de facto; and that the same was sent through Whatsapp of Education Vibes, not from personal phone of the accused/applicant.

6. Considering the above circumstances, I do not find any reason to deprive the accused/applicant liberty. Therefore, the application is allowed and it is directed that in the event of his arrest, the accused/applicant shall be immediately released on bail subject to his furnishing a personal bond in the sum of Rs. 25,000/- with one surety in the like amount to the satisfaction of IO/SHO. It is also directed that the petitioner shall join investigation, as and when directed by the IO in writing.

7. It is made clear that none of the above observations shall impact the trial of the case.

GIRISH DN: c=IN, o=HIGH COURT OF DELHI, ou=DELHI HIGH 2.5.4.20=8401dd889b27a77b2f65ffffe4afec45569af3962c6fb4835d435f97626cacca, postal Code = 110003, st = DELHI, KATHPALIA serialNumber=D3E86796451EC45C07B5D15570996B40F80CBD2EEE60402C487965FF801E26FA, cn=GIRISH KATHPALIA Date: 2025.04.03 17:53:10 -07'00' GIRISH KATHPALIA (JUDGE) APRIL 3, 2025/rk BAIL APPLN. 4458/2024 Page 3 of 3 pages