

(2019) 08 DEL CK 0015

In the Delhi High Court

Case No : Bail Application No. 2036 Of 2018

Neerav Jain

APPELLANT

Vs

State (Govt. Of Nct Delhi)

RESPONDENT

Date of Decision : 05-08-2019

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 406, 420

Citation : (2019) 08 DEL CK 0015

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Sumit Choudhary, Aakanksha Bansal, Meenakshi Dahiya, Dushyant K. Mahant

Final Decision : Allowed

Judgement

Sanjeev Sachdeva, J

1. The petitioner seeks anticipatory bail in FIR No.79/2018 under Sections 406/420/120-B IPC Police Station Bara Hindu Rao.
2. The allegations in the FIR are that the parties are known to each other being school friends and it is alleged that approximately a sum of Rs.1.74 crores has been advanced to the petitioner as loan in cash and the petitioner has failed to return the same despite several requests. It is alleged that he had even issued cheques to secure repayment of the said amount.
3. Learned senior counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that there is nothing to show that the said amount of Rs.1.74 crores was given. It is contended that the allegation is that the amount was given in the year 2014-15 and the complaint has been lodged in the year 2018 and there is substantial unexplained delay. He further submits that the parties were friends and there was transaction of Rs.5 lakhs, which, as per the petitioner, has been repaid and the cheques, referred to, were given to secure that amount.

4. By order dated 31.08.2018 the petitioner was granted interim protection subject to joining investigation.
5. Learned Addl. PP under instructions submits that the investigation is complete and the chargesheet has already been filed.
6. Without commenting on the merits of the case and keeping in view of the totality of the facts and circumstances, I am satisfied that the petitioner has made out a case for grant of anticipatory bail.
7. Accordingly, it is directed that in the event of arrest, the arresting officer/IO/SHO shall release the petitioner on bail, on petitioner furnishing a bail bond in the sum of Rs. 20,000/- with one surety of the like amount to the satisfaction of the arresting officer/Investigating Officer/SHO concerned. Petitioner shall not do anything that may prejudice either the trial or the prosecution witnesses. Petitioner shall join the investigation as and when so required by the IO.
8. Petition is allowed in the above terms.
9. Order Dasti under signatures of the Court Master.