
(2019) 05 DEL CK 0231

In the Delhi High Court

Case No : Bail Application No. 951 Of 2019

Sidharth Talwar

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 23-05-2019

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 406, 420
Code Of Criminal Procedure, 1973 — Section 41A

Citation : (2019) 05 DEL CK 0231

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Siddharth Aggarwal, Rajat Mathur, Abhinav Sekhri, Krishan Datta Multani, Meenakshi Dahiya

Final Decision : Allowed

Judgement

Sanjeev Sachdeva, J

1. Petitioner seeks regular bail in FIR No. 725/2017 under Sections 420/406/120B IPC, Police Station Rajouri Garden.

2. Allegations in the FIR are that the petitioner along with his other family members i.e. the brother and the parents were running a jewellery shop by the name of 'Talwar Jewellers'. It is alleged that money was deposited with the brother of the petitioner, who had taken out a lucky draw scheme. It is alleged that neither the money had been repaid nor any jewellery items had been handed over to the complainants.

3. Learned counsel for the petitioner submits that the petitioner is not even named in the FIR and the allegations are against the brother of the petitioner. He submits that the petitioner had been given a notice under Section 41A Cr.P.C. for joining investigation and he had duly joined investigation. Subsequently, when the brother of the petitioner was arrested, in his disclosure statement, he is alleged to have named the petitioner.

4. He further submits the entire business was clandestinely taken over by the brother of the petitioner and a complainant was lodged with the police authorities against the brother for clandestinely taking over the assets and business.
5. Learned counsel for the petitioner, under instructions, submits that all the jewellery items in the power and possession of the petitioner have already been seized by the Investigating Officer.
6. On 02.05.2019, learned counsel for the petitioner had, without prejudice, submitted that in case time was granted to the petitioner, he would deposit a sum of Rs. 5,50,000/- with the Trial Court to show his bona-fide. Interim bail was granted to the petitioner to enable him to deposit the said amount of Rs. 5,50,000/- with the Trial Court.
7. Learned counsel for the petitioner submits that amount of Rs. 5,50,000/- has been deposited with the Trial Court on 22.05.2019.
8. Without commenting on the merits of the case and keeping in view the totality of facts and circumstances of the case, I am satisfied that petitioner has made out a case for grant of regular bail.
9. Accordingly, on petitioner furnishing a bail bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the Trial Court, petitioner shall be released on bail, if not required in any other case. Petitioner shall not do anything which may prejudice either the trial or the prosecution witnesses.
10. The bail bond as well as the surety bond furnished by the petitioner while being admitted to the interim bail shall enure for this order as well.
11. The amount of Rs. 5,50,000/- deposited with the Trial Court, shall be subject to further orders to be passed by the Trial Court on the conclusion of the trial.
12. Petition is allowed in the above terms.
13. Order Dasti under signatures of the Court Master.