
(2010) 09 DEL CK 0061

In the Delhi High Court

Case No : Criminal M.A. No. 7216 of 2009 in Bail Application No. 314 of 2009

Yashpal Raikar and Another

APPELLANT

Vs

The State of Delhi

RESPONDENT

Date of Decision : 09-09-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 120B, 406, 409, 420

Citation : (2010) 09 DEL CK 0061

Hon'ble Judges : S.L. Bhayana, J

Bench : Single Bench

Advocate : K.T.S. Tulsi, V.K. Mehra, Sushail Dutt, Azhar Alam and Vikram Singh, for Anirva Developers Pvt. Ltd, for the Appellant; Navin Sharma, Counsel for State, Pawan Narang, for Baleswar Sharma and Vijay Aggarwal, for Ravi Arora, Director, for the Respondent

Judgement

S.L. Bhayana, J.—These applications have been moved by the applicant, M/s Anirva Developers Pvt. Ltd., u/s 482 Cr.P.C, praying for cancellation of interim bail granted to the accused persons vide order dated 17.2.2009 as modified on 25.2.2009.

2. Arguments heard.

3. It is submitted by Learned Counsel for the applicant that on 17.2.2009, this Court had granted interim bail to the petitioners on the ground that they wanted to settle the matter amicably with the applicant. Accordingly, the matter was referred to Delhi High Court Conciliation and Mediation Centre where a settlement took place between the parties and the petitioners made payment in the sum of Rs. 35 crores by way of cheques to the applicant. Learned Counsel for the applicant further submits that when the said cheques were presented by the applicant, the same were dishonoured by the bankers of the petitioners and, therefore, the interim bail granted to the petitioners vide order dated 17.2.2009 is liable to the withdrawn.

4. I have gone through the order dated 24.3.2009, which reads as under:

Petitioners are seeking bail in FIR No. 131/2008, under Sections 406/420/409/120B of the IPC, registered at police station Economic Offence Wing with Crime and Railways, New Delhi.

Learned Senior Counsel for the petitioners state that this matter stand settled with M/s Anirva Developers Pvt. Ltd. before the Delhi High Court Mediation and Conciliation Centre.

5. I have also gone through the Agreement of Settlement, which is exhibited "Ex. PX" (page 96 of Bail Appl. No. 314/2009), wherein petitioner No. 2, Sh. Ravindra Charadchandra Porob Navelkar is the First Party and the applicant M/s Anirva Developers Pvt. Ltd. and M/s Aruna Infracon Pvt. Ltd. are the Second and Third Parties respectively.

6. From the aforesaid order dated 24.3.2009 and also from the Agreement of Settlement "Ex.PX", it is clear that the settlement had taken place between the petitioners and the applicant and the cheques in the sum of Rs. 35 crores were also issued to the applicant (second party) by the petitioner No. 2 (first party).

7. It will not be out of place to mention that Ravindra C.P. Navelkar and Yashpal Raikar had earlier filed a writ petition bearing No. 1373/2008 before this Court, in which the State was respondent No. 1 and respondent No. 2 was M/s Anirva Developers Pvt. Ltd. (applicant herein). This petition has been filed by the petitioners u/s 482 Cr.P.C, wherein it was categorically mentioned that the petitioners have settled all the disputes with respondent No. 2, Anirva Developers Pvt. Ltd. and petitioners have handed over cheques of Rs. 35 crores to respondent No. 2 and therefore they prayed for quashing of FIR No. 131/2008 filed against them. The said writ petition was, however, dismissed as withdrawn vide order dated 16.4.2009 with a direction that they should file the quashing petition jointly.

8. It is also admitted by both the parties that the cheques in the sum of Rs. 35 crores given by the petitioners to the applicant M/s Anirva Developers Pvt. Ltd., in terms of settlement, were dishonoured by the bankers of the petitioners.

9. Keeping in view the aforementioned facts and circumstances, I allow the application filed by the applicant M/s Anirva Developers Pvt. Ltd. and the interim bail granted to the petitioners vide order dated 17.2.2009 is withdrawn.

10. The petitioners are directed to surrender before the concerned jail authorities immediately. In case the petitioners do not surrender within 24 hours from today, NBWs shall be issued against them to be executed through the SHO of the concerned area.

11. With these directions, the applications stand disposed of.

Bail Appl. Nos. 314/2009 & 315/2009

List for further proceedings on 14th January, 2011.