

Ashutosh Rathi vs.state

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Court : Delhi

Decided On : May-02-2019

Appellant : Ashutosh Rathi

Respondent : State

Judgement :

\$~13 * IN THE HIGH COURT OF DELHI AT NEW DELHI % + Judgment delivered on:

02. 05.2019 BAIL APPLN. 3104/2018 & Crl. M.A. 50810/2018 ASHUTOSH RATHI versus STATE Advocates who appeared in this case:

... Petitioner

..... Respondent For the

... Petitioner

: Mr. M. Rais Farooqui, Advocate. For the Respondent: Ms. Meenakshi Dahiya, APP for the State with SI Sanjay Kumar CORAM:-

"HONBLE MR JUSTICE SANJEEV SACHDEVA JUDGMENT SANJEEV SACHDEVA, J.

(ORAL) 1.

... Petitioner

seeks anticipatory bail in FIR No.No.333/2018 under Section 406 of the IPC, Police Station Mayur Vihar, Delhi.

2. As per the complainant, he wanted to purchase a car and accordingly approached the petitioner, who is related to him and gave him Rs. 80,000/- in cash and also stated that he already had Rs. 2 lakhs of the complainant. The deal was struck at Rs. 4 lakhs for a Swift Dzire. It is contended that despite payment of money, the vehicle was not transferred in the name of the complainant. BAIL APPLN.3104/2018 Page 1 of 3 3. Learned counsel for the petitioner submits that petitioner has been falsely implicated. He submits that the payment of Rs. 80,000/- was allegedly made on 03.04.2018 and the complaint has been lodged on 07.09.2018, after a gap of over 5 months. Learned counsel further submits that there is no material to show that any amount was paid to the petitioner.

4. Learned counsel submits that in terms of order dated 02.01.2019, petitioner has already deposited a sum of Rs. 25,000/- with the Registrar General of this Court.

5. Learned Addl. PP, under instructions, submits that as per the statement of the complainant, the payment was made in cash and no receipt has been produced.

6. By order dated 02.01.2019, petitioner was granted interim protection subject to joining investigation. Learned APP under instruction of the IO submits that petitioner did join investigation.

7. 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.

8. 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. 15,000/- with one surety of the like amount to the satisfaction of the arresting BAIL APPLN.3104/2018 Page 2 of 3 officer/Investigating Officer/SHO concerned.

... Petitioner

shall not do anything that may prejudice either the trial or the prosecution witnesses.

... Petitioner

shall continue to join investigation as and when so required by the IO.

9. The petition is allowed in the above terms.

10. Order Dasti under signatures of the Court Master. MAY02 2019 rs SANJEEV SACHDEVA, J BAIL APPLN.3104/2018 Page 3 of 3

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