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Sandeep Dabas Vs State

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Court : Delhi

Decided On : Aug-05-2010

Judge : Mr. Shiv Narayan Dhingra, J.

Appeal No. : Bail Appln. 1122 of 2010

Appellant : Sandeep Dabas

Respondent : State

Advocate for Def. : Mr. Sunil Sharma, Adv.

Advocate for Pet/Ap. : Mr. Sunil Dalal, Adv.

Judgement :

1. Whether reporters of local papers may be allowed to see the judgment?

2. To be referred to the reporter or not?

3. Whether judgment should be reported in Digest?

ORDER

1. This petition under Section 439 read with Section 482 Cr.P.C has been preferred by the petitioner/accused to grant regular bail under FIR No.239 under Sections 420/468/471/120-B IPC dated 21st September 2009 registered with Police Station Nihal Vihar, Delhi.

2. The allegations made by the complainant in the FIR are that one Shri Kamal Sharma who is working as a property dealer in the area had approached the complainant on 25th June, 2009 and informed about availability of a property being sold by the owner as a distress sale. The complainant along with the said Kamal Sharma visited the property. One Sunil Rana met them at the property who introduced himself as a property dealer. Another person was introduced to her as a tenant in the said property and residing in the flat. He confirmed that the property was owned by Mrs. Neelam and she had asked him to vacate the flat as she wanted to sell the same. On the request of complainant a meeting was arranged with one lady who introduced herself as Mrs. Neelam, the owner of property, she and had brought with her original conveyance deed bearing her photographs and stamps. The consideration money was taken from complainant. It later on conspired that all these persons had conspired together on the basis of forged documents and a fraud was played on the complainant as the flat in question did not belong to the accused Mrs. Neelam. The complainant was defrauded for a sum of Rs.45 lac under a conspiracy. A case under Sections 420/468/471/120B read with Section 34 IPC was registered against the said persons.

3. The name of present accused, who has made this bail application, does not appear in the FIR. The application made by the accused is opposed by learned Additional Public Prosecutor for State on the ground that the present accused was the person who induced complainant to purchase this property and he initiated talks for entire transaction. However, a perusal of FIR lodged by complainant does not support this contention. In the FIR, it is categorically mentioned that it was Kamal Sharma, a property dealer of the area who approached the complainant. In subsequent statement of complainant she stated that the present accused also was involved in encouraging her to purchase this flat. However, the property dealer Mr. Kamal Sharma, who is named in the FIR has already been granted bail by the learned Sessions Judge. I consider no reason to reject the bail application of the petitioner/accused. The application of the petitioner is allowed and the petitioner is directed to be released on bail on his furnishing personal bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of concerned court.

4. The application stands disposed of.

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