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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Order pronounced on 11.07.2022*

+ BAIL APPLN. 4520/2021

SUNIL ANAND Petitioner

Through: Mr. Surinder Anand, Adv.

versus

STATE (GOVT NCT OF DELHI) AND ANR Respondents

Through: Ms.Meenakshi Chauhan, APP for the State.

SI Sandeep, PS EOW.

Mr. Ajay Kumar, Advocate for complainant.

CORAM:

HON'BLE MR. JUSTICE TALWANT SINGH

Talwant Singh, J.:

1. This is a regular bail application for grant of bail filed by the petitioner in case FIR No. 0052/2017, under Sections 419/420/467/468/471/120B of the IPC in case registered with PS EOW District Shahadara, Delhi. The petitioner was arrested on 27.11.2020.

2. It has been submitted on behalf of the petitioner that his role has been mentioned on page 45 of the Charge-sheet filed by the prosecution and the same is reproduced hereunder:-

“ROLE OF ACCUSED SUNIL ANAND

I. Sunil Anand impersonated as Rahul Sharma while applying for home loans with the lender Financial Institutions and signing Rent Agreement with Punit Aggarwal.

II. He also appeared before the Sub- Registrar impersonating as Rahul Sharma in the time of registration of Sale Deed dt. 23.04.2015 executed by Sunita Babbar in favour

of Rahul Sharma.

III. Sunil Anand has also impersonated as Deepak Babbar, Nitin Sharma while opening bank accounts in these names. The loan amounts disbursed by Axis Bank and Reliance Home Financial Ltd were credited in Bank A/c No. 3427397910 of Sunita Babbar & Deepak Babbar.

IV. The cheated loan amount was withdrawn under the signatures of Deepak Babbar which were authored by Sunil Anand.

V. Forged title documents were prepared and submitted to banks/financial for getting the loan from these financial institutions.”

3. It has been submitted that out of 18 accused persons, only two accused persons were arrested in the present case and role of other arrested co-accused, namely, Sachin Sharma has been detailed in charge-sheet as under:-

“I. Sachin Sharma was an active participant in the criminal conspiracy to cheat to the complainant & financial institutions on the strength of forged valuable security i.e. forged chain of title documents. His mobile no. 9971603396 is mentioned in Account opening Form of M.R. Enterprises, Ram Lal Textiles, Nitin Sharma and Home Loan application submitted to Axis Bank.

II. Huge amount of approx. Rs. 6.5 Crores is taken as loan from Financial institutions on the basis of fake documents i.e. valuable security.

III. Sachin Sharma has withdrawn the cheated money from the bank accounts of Mange Ram Sharma, his firms namely M/s M. R. Enterprises, M/s Ram Lal Textiles & Deepak Babbar. He continued to operate the bank accounts of Mange

Ram Sharma even after his death.

IV. He intentionally didn't inform the bank & financial institutions that his father has expired. He got Central Bank of India A/c No. 3325785579 of M.R. Enterprises, Proprietary firm of Mange Ram Sharma closed on 9.10.2015 informing that Mange Ram Sharma is suffering from ill health while Mange Ram Sharma has already expired on 21.04.2015.

V. He had signed the registered Lease Deed Dt. 9.02.2016 with Rita Babbar enhancing the rent from Rs.54000 to Rs.65000.8”

4. It has also been mentioned that written complaint was made by the complainant Rita Babbar to EOW, Delhi Police against 17 delinquent persons on 29.07.2016 and in pursuance thereto the present FIR was registered. The present petitioner was not named in the said FIR; he was arrested by officials of EOW on 27.11.2020 after 3 years and 8 months of registration of the FIR in question. Charge-sheet was filed before the trial Court on 13.02.2021. The only role assigned to the petitioner is that he had impersonated himself as Rahul Sharma and as such the offence is alleged to have been committed only under Section 419 IPC and the maximum punishment for impersonation is three years. The complainant is the least aggrieved person as her title to the property in question has not been disturbed and it is the officials of the banks, who were cheated by unknown persons but till date they have not made any complaint to the police authorities.

4.1 Several bail applications moved by the petitioner have been dismissed at district courts, even sometimes with costs, however, now the petitioner has prayed for regular bail before this Court.

5. Notice was issued.

6. A detailed status report was filed on 02.03.2022 mentioning therein that certain loans were obtained by the accused persons fraudulently against property No. D-117, Surajmal Vihar, Delhi, which was owned by the complainant and the details are as under:-

“

LENDER	LOAN APPLICANT	AMT. OF LOAN	PROPERTY MORTGAGED
Reliance Home Finance Ltd RHHLDEL0000239 Dt. 20.03.2015	Rahul Sharma Mange Ram Sharma	2 Crore	D-117, Surajmal Vihar, Delhi
Axis Bank PHR063601339741 Dt. 27.03.2015	Rahul Sharma Mange Ram Sharma	2,19,15,508/-	D-117, Sural Mal Vihar, Delhi
Cholamandalam Investment & Finance Co. Ltd XOHEELD0000141 H54 dt. 30.04.2015	Rahul Sharma Mange Ram Sharma Nidhi Sharma	2.25 Crore	D-117, Surajmal Vihar, Delhi

”

7. The accused persons had prepared forged death certificate dated 17.06.2013 of the complainant/Rita Babbar showing that she had died on 21.04.2012. The survivor family member certificate was prepared showing

Ravinder Babbar (husband), Rajesh Babbar (son) and Sunita Babbar (daughter) of allegedly deceased Rita Babbar. These three unidentified persons appeared before the Sub-Registrar and two of them namely, Ravinder Babbar and Rajesh Babbar, executed relinquishment deeds dated 10.11.2014 and 28.01.2015 relinquishing their share in the property in question in favour of Ms. Sunita Babbar, who sold the said property to Mange Ram Sharma and Rahul Sharma vide registered sale deeds dated 21.03.2015 and 06.04.2015 executed in favour of Mange Ram Sharma and registered sale deed dated 23.04.2015 in favour of Rahul Sharma. Mange Ram Sharma and Rahul Sharma took home loan from Axis Bank, Reliance Home and Cholamandlam Investment & Finance Company Limited on the basis of these symbolic forged sale deeds. Accused Sachin Sharma disclosed the identity of the accused Sunil Anand, who had impersonated as Rahul Sharma and Deepak Babbar, so he was arrested on 27.11.2020.

8. During the course of investigation, it was also found that the present petitioner had impersonated as Nitin Sharma and Sanjay Awadh for opening bank accounts under these names. The role of the present petitioner was again reiterated as has been mentioned the beginning of this order. It has been submitted that the petitioner has committed serious economic offence and has cheated three financial institutions for about Rs.6.50 crores and hence, the regular bail application has been strongly opposed.

9. Supplementary status report has been filed mentioning therein that the petitioner has impersonated himself as Rahul Sharma before Dena Bank wherefrom a housing loan of Rs.69 lakhs was taken fraudulently, but later on this matter was settled out of the proceeds of another loan. The petitioner had also impersonated as Rahul Sharma and entered into a rent agreement

with Mr. Puneet Aggarwal, but Mr. Aggarwal had not filed any complaint against him as due rent was paid to him. Previous involvement was verified from PS Vivek Vihar, however, he was not found involved in any case but as per the report of ICJS, petitioner was found involved in one other case being FIR No. 373/2019 under Section 174A IPC, PS Narnaund, Distt. Hansi, Haryana.

10. Further status report has been filed placing on record the copy of the FIR No. 373/2019 under Section 174A IPC, PS Narnaund, Distt. Hansi, Haryana. The said FIR was registered when the present petitioner was declared a proclaimed offender (P.O.) in a case under Section 138 NI Act filed by one Sh. Virender Saini against the petitioner.

11. The medical report of the present accused was called from the Jail Superintendent, which has been filed on 24.05.2022. The relevant portion of the report is extracted as under:-

“1. Inmate currently lodged in Central Jail No. 13.

2. He is known case of HTN & an old case of D12-L1 IDEM (IntraDural Extra Medullary tumor) for which Laminectomy and tumor excision was done in 2015 at private hospital. He was reviewed by Dept of neurosurgery, GB Pant Hospital and after fresh set of investigations; they found well defined IDEM at D12-L1 with cord compression and advised for surgery but was cancelled due to unwillingness of inmate.

3. On 21.05.2022, patient was presented to the emergency with complaints of retained urinary catheter and was reviewed at emergency of GTB Hospital, where old catheter was removed under ultrasonographic guidance and a fresh catheter was placed.

4. Currently, Patient is stable on wheel Chair (as he is

paraplegic with urinary bladder & bowel involvement) and is his vitals are within normal limits and he is receiving regular medication from Jail OPD as per the advice of treating doctors.”

12. I have heard the learned counsel for the petitioner, complainant and the learned APP and I have gone through the file. Learned counsel for the petitioner has reiterated that out of 21 persons allegedly involved in the present case, only two persons were arrested. The complainant is stated to be hand in glove with the accused persons. The petitioner was arrested after four years of registration of FIR. Nothing was recovered from the petitioner. Moreover, the petitioner is 100% disabled and is seriously ill.

12.1 On the other hand, the learned APP and counsel for the complainant have stated that it is the 12th bail application of the present petitioner and earlier 11 bail applications have already been dismissed at the District Court level, where costs were also imposed on the petitioner. He is involved in other cases and he has committed a serious economic offence of cheating three banks to the tune of Rs.6.50 crores in the present case.

13. In the present case the investigation qua the present petitioner is over, although the same is pending regarding other accused who are yet to be apprehended. It is true that the allegations are serious in nature as forged and fabricated documents were prepared for committing a fraud of approximately Rs.6.50 crores as loans from three financial institutions on the basis of forged sale deeds.

14. The role of the petitioner has been specifically mentioned as he being the person who impersonated as Rahul Sharma, Deepak Babbar, Nitin Sharma and Sanjay Awadh before the office of Sub-Registrar and the bank

institutions. Even the money was withdrawn under the signature of Rahul Sharma and the said signatures were made by the present petitioner. The Charge sheet has been filed against the accused persons, who were arrested. Keeping in view the modus operandi and the important role played by the present petitioner in the entire scam of obtaining loans from three financial institutions on the basis of forged and fabricated documents, the matter being still at the initial stage as only the charge-sheet has been filed, I am not inclined to grant regular bail at this stage.

15. However, keeping in view the medical condition of the present petitioner and especially in view of the report of Senior Medical Officer, Central Jail dated 24.05.2022 and the factum that the present petitioner requires medical treatment, I am inclined to release him on interim bail for a period of two months from the date of his release on execution of personal bond in the sum of Rs.25,000/- with two sureties of the like amount to the satisfaction of the concerned Court, subject to the following conditions:-

- (i) The petitioner shall utilize this period for getting treatment and file the status report before the trial Court at the time of surrender regarding the medical treatment availed by him.
- (ii) This period of two months shall not be extended in any circumstance and the petitioner shall surrender after expiry of period of two months before the Jail Superintendent.
- (iii) The Jail Superintendent shall send a report within one week from the date of expiry of two months period regarding surrender by the present petitioner before him to the concerned trial Court as well as to this Court.
- (iv) The petitioner shall share his mobile phone number with the IO within two days of his release and he shall keep the mobile location on at all time.

(v) The petitioner shall not leave the jurisdiction of this Court during the period of interim bail.

16. The bail application is accordingly disposed of with the above terms.

TALWANT SINGH, J

JULY 11, 2022/mr

[Click here to check corrigendum, if any](#)

