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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of decision: 16th October, 2026*# **CNR No. DLHC010125602021**+ **CRL.M.C. 851/2021, CRL.M.A. 4229/2021 & CRL.M.A. 5011/2021****RAJU DHANKAR**

.....Petitioner

Through: Mr. Puneet Mittal, Senior Advocate
with Mr. R.P. Singh, Ms. Sakshi
Mendiratta and Ms. Ginni Garg,
Advocates.

versus

STATE

.....Respondent

Through: Ms. Shubhi Gupta, APP for State.
SI Rohitash Yadav, PS: Neb Sarai.
Sunil Chaudhary, Advocate for R-2**CORAM:****HON'BLE MR. JUSTICE AMIT BANSAL****AMIT BANSAL, J. (Oral)**

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') for setting aside/modifying the condition of deposit of amount of Rs. 1,15,00,000/- in order dated 10th November, 2022 passed by the Additional District and Sessions Judge, South District, Saket Courts, New Delhi ('impugned order') towards grant of anticipatory bail to the petitioner.

2. Brief facts which are necessary for deciding the petition are set out hereinafter:



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2.1. The petitioner and the complainant/respondent no.2 entered into an agreement to sell, in respect of which the petitioner was to sell property bearing *No.125-C, located on Khasra No.322, situated in abadi of Lal Dora, Village Neb Sarai, New Delhi-110068* to the complainant.

2.2. The complainant filed an application under Section 156(3) Cr.P.C. before the Magistrate, which resulted in the present FIR No.0385/2020 dated 26th August, 2020, under Sections 420/406/506/34 of the Indian Penal Code, 1860 ('IPC') being registered against the petitioner at Police Station Neb Sarai, Delhi.

2.3. The petitioner was issued notice under Section 41A Cr.P.C. on 9th September 2020.

2.4. Pursuant to the same, the petitioner applied for anticipatory bail before the Sessions Court, which came to be granted *vide* impugned order dated 10th November 2020, subject to the petitioner depositing a sum of Rs.1,15,00,000/- in instalments before the Court

2.5. Since the petitioner did not deposit the aforesaid amount, the respondent no.2/complainant filed an application for cancellation of bail.

3. The petitioner filed the present petition before this Court for setting aside modifying the condition of deposit of amount of Rs. 1,15,00,000/- in order dated 10th November, 2022 passed by the Sessions Judge towards grant of anticipatory bail to the petitioner.

4. Complainant was directed to be impleaded as a respondent on 23rd March, 2021.

5. *Vide* order dated 23rd march 2021 passed by this Court, subject to deposit of the sum of Rs.30 lakhs by the petitioner, the proceedings in the application for cancellation of bail was stayed.



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6. *Vide* order dated 6th April, 2021, it was noted that the petitioner had deposited only ₹15 lakhs, and one week's further time was granted.
7. Subsequently, *vide* order dated 13th July, 2021, it was recorded that the petitioner had deposited ₹30 lakhs.
8. Mr. Puneet Mittal, senior counsel appearing on behalf of the petitioner, submits that the dispute between the parties was of a civil nature, and the complainant has also filed a civil suit against the petitioner, which is pending.
9. Mr. Mittal further submits that the order imposing the condition of a monetary deposit for grant of anticipatory bail is unlawful, and the Court cannot impose monetary conditions as a condition for grant of anticipatory bail. In this regard, he places reliance on the judgment of the Supreme Court in ***Amarjit Singh v. State of NCT of Delhi***¹ and ***Ramesh Kumar v. State of NCT of Delhi***².
10. Ms. Shubhi Gupta, APP, as well as the counsel for the respondent no.2/complainant, vehemently oppose the present petition.
11. Counsel for the respondent no.2/complainant submits that a total sum of Rs. 1,15,00,000 was sent to the petitioner in 2018 via bank transfers and cheques for the purchase of the subject property.
12. It is submitted that the petitioner was seeking anticipatory bail, and fearing that the same would be dismissed, therefore, voluntarily made this offer to deposit the sum of Rs.1,15,00,000 in Court. The said offer was duly accepted by the Court and the petitioner was directed to deposit the said amount in instalments. It has been six years since the said order was passed,

¹ (2009) 13 SCC 769

² (2023) 7 SCC 461



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and the petitioner has only deposited till date a sum of Rs.30,00,000/-. APP and counsel for respondent no.2/complainant contest the fact that the dispute is purely of a civil nature. They submit that the case involves serious criminal offences including forgery.

13. I have heard the counsel for the parties and perused the record.

14. Firstly, a reference may be made to the impugned order. The relevant extracts from the said order are set out below:

It appears that the complainant did not want to perform his part. During the course of arguments, counsel of the applicant has submitted that he is ready to deposit the amount of Rs. 1,15,00,00 in the name of the court in installments which he had taken from the complainant.

Considering the above facts, applicant is ordered to be admitted on bail in the event of his arrest subject to furnishing the personal bond of Rs. 1 lakh along with one surety of a like amount to the satisfaction of IO/ SHO of PS concerned. However, applicant is directed to join the investigation as and when directed by the police. He is further directed to deposit the amount of Rs. 1,15,00,000/- (One Crore Fifteen Lakh) in the name of the court in four monthly installments of Rs. 30,00,000/-, Rs. 30,00,000/-, Rs. 30,00,000/- and Rs. 25,00,000/- in the name of the court so that the interest loss would be saved in the shape of FDR for one year and thereafter the FDR can be renewed. Same be released to the applicant or the complainant after the outcome of the civil suit.

15. A perusal of the impugned order suggests that the petitioner, fearing the fact that anticipatory bail may not be granted to him, offered to deposit a sum of Rs.1,15,00,000/- in Court in instalments. The Sessions Court accepted the said statement of the petitioner and granted him anticipatory bail upon his depositing a sum of Rs.1,15,00,000/- in the name of the Court in instalments. Having obtained protection on the basis of the said order, the petitioner is now seeking to resile from the voluntary offer.

16. To be noted, the State had filed its reply to the anticipatory bail application in Sessions Court vehemently opposing the bail and stating that



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the petitioner is not cooperating in the investigation, hence his custodial interrogation is required.

17. As regards the contention that the dispute is purely of civil nature, the status report/reply to the anticipatory bail filed before the Sessions Court, wherein it was stated that the petitioner had wrongly represented the subject property to be owned by him, whereas it was a Gram Sabha land. It is also stated that the petitioner had filed a forged certificate issued by SDM, to show ownership and title of the land. Relevant extracts from the status report/ reply to the anticipatory bail are set out below:

In response to the notice, a reply was received from Ms. Raj Rani, Tehsildar (HQ), Revenue Department, Tis Hazari, New Delhi vide letter No. F.2/Teh(HQ)/Rev./R.R./2020/47 dated 15.09.2020 whereby it has been informed that as per the record, there is no entry regarding the Extended Abadi Certificate No. F. SDM/SD/86/59 dated 21.04.1987. This shows that accused Raju Dhankar fraudulently prepared/uses this certificate and thereafter in connivance with his brothers (co-accused) used this forged certificate as genuine for execution of Partition Deed dated 14.09.2012 to show their ownership at Property bearing No. 125, Khasra No. 322, Village Neb Sarai, New Delhi. Hence, as per the facts revealed, sections 467/468/471 IPC were added in the present case.

18. Pursuant to the investigation, serious charges of forgery have been added against the petitioner. In light of the above, it cannot be said that the dispute between the parties is of a purely civil nature.

19. The counsel for the respondent has relied upon **Amarjit Singh** (supra), wherein the Supreme Court set aside the condition requiring the accused to deposit a sum of ₹15 lakhs as a prerequisite for anticipatory bail. However, in the said case, the Court specifically noted that the accused had not agreed to deposit the said amount. In the present case, on the other hand, the petitioner had himself offered to deposit a sum of Rs.1,15,00,000/- in



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instalments. In the said case, offences involved were only Section 420 and 406 IPC and not offences involving forgery under Section 467 and 468 of IPC as in the present case.

20. Mr. Puneet Mittal has placed reliance on paragraph 30 of the judgment of the Supreme Court in **Ramesh Kumar** (supra) which is set out below:

“30. We are not unmindful of the fact that the High Court was led by the appellant himself to an order granting bail with imposition of the impugned condition; hence, we are inclined to remit the matter to the High Court in line with the approach adopted by this Court in Mahesh Chandra® and direct reconsideration of the application for pre-arrest bail and a decision on its own merits in the light of the observations made herein, as early as possible but preferably within 31-8-2023. It is ordered accordingly.”

21. In **Ramesh Kumar** (supra), the Supreme Court was dealing with a dispute predominantly civil in nature, and it was held that the High Court had erred in imposing a deposit condition of ₹22 lakhs and remitting the matter for reconsideration, observing that criminal law could not be pressed into service to settle a civil dispute. The offences were related to simpliciter cheating. In the present case, however, the allegations also concern the alleged misrepresentation of property ownership and the use of forged documents involving serious charges of forgery under Sections 467 and 468 of IPC.

22. Clearly the aforesaid judgements are distinguishable and do not advance the case of the petitioner.



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23. In these circumstances, I do not find any infirmity in the impugned order which requires interference by this Court.

24. The petition is dismissed accordingly. The Trial Court shall proceed to adjudicate the application for cancellation for bail filed by the respondent no.2.

25. The amount of Rs.30,00,000/- deposited by the petitioner before this Court shall be subject to further orders passed by the trial court.

26. Pending applications stand disposed of.

AMIT BANSAL, J

OCTOBER 16, 2026

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