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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ BAIL APPLN. 451/2023 & CRL.M.(BAIL) 200/2023 (for interim bail)

ANKIT BANSAL

..... Petitioner

Through: Mr. Madhav Khurana with Mr. Manan Batra, Mr. Rohit Aggarwal and Mr. Bhriagu A. Pamidighantam, Advocates.

versus

STATE GOVT. OF NCT OF DELHI

..... Respondent

Through: Mr. Shoaib Haider, APP for the State with SI Manoj, P.S.: Dwarka South. Mr. Prateek Som with Mr. Arani Mukherjee, Advocates for the complainant.

**CORAM:**

**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**ORDER**

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**10.02.2023**

**CRL.M.A. 3637/2023**

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

**BAIL APPLN. 451/2023 & CRL.M.(BAIL) 200/2023 (for interim bail)**

By way of the present petition under section 438 read with section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.'), the petitioner seeks anticipatory bail in FIR No.0648/2022 dated 17.12.2022 registered under sections 420/468/120B/34 of Indian Penal Code, 1860 ('IPC') at P.S. Dwarka South, Dwarka, New Delhi, to which sections 467/471 IPC have been added subsequently.

BAIL APPLN. 451/2023

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2. At the outset, Mr. Madhav Khurana, learned counsel appearing for the petitioner submits that *vide* order dated 03.02.2023 made in BAIL APPLN. No. 359/2023, this court has already issued notice on an anticipatory bail petition filed by Manik Kashyap, a co-accused in the same FIR; and has also granted him interim protection against arrest, subject to joining investigation.
3. Mr. Khurana submits, that as in the other case, the dispute arises from a business transaction comprised in a Partnership Deed dated 21.08.2020/21.11.2020, whereby the petitioner and complainant had entered into a business transaction of conducting on-line examinations, in which the complainant's main contribution was by way of the premises from which the business was to be run.
4. It is submitted that the FIR was initially filed under sections 420/468/120B/34 of the IPC, to which the allegation of forgery under sections 467/471 IPC was subsequently added, in relation to a Work Order dated 25.11.2020 issued by Tata Consultancy Services to "Aeroplanet Air Hostess Training Center", the name in which the business was being conducted; and the allegation goes that the signature made by the petitioner on the said work order on behalf of Aeroplanet, is forged, since it was subscribed without authority. Counsel submits however, that monies were received from Tata Consultancy Services pursuant to this work order and were credited to the business account of the complainant's sole proprietorship concern "AVIACON", and were retained by him without any protest or demur.



5. It is further pointed-out, that as is evident from WhatsApp conversations between the petitioner and the complainant, the screenshots of which have been filed alongwith the present petition, the complainant was fully aware and updated on the business that was being carried-on from his premises; and in particular, the complainant was in knowledge of the fact that the invoice referred to above was raised for remittance to be made to the complainant's sole proprietorship concern M/s. AVIACON (India), into which money was eventually received.
6. Mr. Khurana submits, that the petitioner has been summonsed by the Investigating Officer on about six occasions; that he has joined investigation; and has also handed-over original documents and has been co-operating in the process.
7. Upon a *prima-facie* conspectus of the averments contained in the petition and the submissions made, issue notice.
8. Mr. Shoaib Haider, learned APP appears for the State on advance copy: accepts notice; and seeks time to file status report.
9. Let status report be filed before the next date; with advance copy to the opposing counsel.
10. Mr. Prateek Som, learned counsel is present on behalf of the complainant, who (latter) is also present in-person; and seeks to be heard in the matter. He also seeks to file an affidavit. He is permitted to do so. Let requisite affidavit be filed within 06 weeks; rejoinder thereto, if any, be filed within 04 weeks thereafter; with copies to the opposing counsel.



11. In the meantime, it is directed that subject to the petitioner joining investigation as and when called-upon by notice under section 41-A Cr.P.C. by the Investigating Officer, the petitioner shall not be arrested, till the next date of hearing in this court.
12. As agreed between the petitioner and the Investigating Officer who is present in court, the petitioner shall present himself before the Investigating Officer on Wednesday 15<sup>th</sup> February 2023 at 11:00 a.m.
13. Re-notify alongwith BAIL APPLN. No. 359/2023 on 09<sup>th</sup> May 2023.

**ANUP JAIRAM BHAMBHANI, J**

**FEBRUARY 10, 2023**

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