

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

**SUBJECT : Indian Penal Code**

Date of hearing and order: December 05, 2008

Bail Application No.2038 /2008

Mahesh Kant Ruia ... Petitioner  
Through: Mr. Ravinder Chadha with Mr. Jagdish Prashad, Advocates

Versus

State of N.C.T. of Delhi ... Respondent  
Through: Mr. R.N. Vats, Additional Public Prosecutor with SI Rakesh  
Kumar.

SUNIL GAUR, J.

1. Petitioner is seeking bail in a cheating case involving rupees seven lacs approximately and the plea of the petitioner is that at best, it is a case of civil liability and the ingredients of the offences under Section 420/468/471/34 of the Indian Penal Code are lacking in this case.

2. According to the petitioner, complainant/first informant is a money lender and since he is not a licensed or registered money lender, therefore, he cannot file a suit for recovery in this matter in view of the Punjab Registration of Money Lenders? Act, 1938. Reliance has been placed upon judgments reported in AIR 2000 Supreme Court 3537; 2000(2)JCC Delhi 302 and 2008 CrI.L.J 478 (All.) to contend that the ingredients of the offences alleged are not made out and detention beyond six months entitles the petitioner to bail.

3. This petition is opposed by the State on the ground that the ingredients of the offence of cheating are clearly made out as it has transpired in the

investigation of this case that the petitioner has not only cheated the complainant but many others of huge amounts. It is stated in the status report, that the petitioner is a desperate cheat and is involved in two other similar cases and one of them is being investigated by Economic Offences Wing (EOW).

4. Learned Additional Sessions Judge has rightly declined bail to the petitioner by relying upon case of Kalyan Chandra Sarkar V. Rajesh @ Pappu Yadav, 2004 IV AD (SC) 309 which spells out the criteria for grant of bail.

5. Considering the gravity of the offence and keeping in view the fact that the petitioner is involved in two such other cases, this Court is not inclined to admit the petitioner to bail. This petition is accordingly dismissed.

Sd/-  
SUNIL GAUR, J