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

+ **BAIL APPLN. 2406/2024**

MOHD KAMRAN

.....Petitioner

Through: Mr.Jatan Singh, Senior Advocate with
Ms.Seema Sharma, Ms. Rekha,
Mr.Garv, Ms.Vanshika Adhana and
Mr.Kartikeya Baroua, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for State
with Inspector Pawan Kumar, PS
Chandni Mahal
Mr.Mobeen Akhtar and Mr.Afsar Nai,
Advocates

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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01.09.2025

Crl.M.A. No. 11730/2025 (Exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

**Bail Appln. No. 2406/2024 and Crl.M.A. Nos. 37840/2024, 11729/2025
and Crl.M.(Bail) 1143/2024**

1. Applicant herein seeks anticipatory bail in FIR No. 150/2024 dated 10.06.2024 under Sections 384/385/120B/34 of the IPC registered at Police Station Chandni Mahal.
2. Per FIR, Complainant Mohd. Amir has been working as a building



contractor with Irshad Hussain for the last five years. Around 10 months ago, he entered into a written agreement with Amanuddin to demolish and reconstruct his house. However, during the construction, Mohd. Kamran, along with Haroon and Barish attempted to extort Rs. 20 lakhs by filing complaints with MCD and the Writ Petition (C) No. 5607/2022 in a High Court to halt the construction. The complainant paid ₹10,000 on the spot, and ₹20,000 later on 06.02.2024. These transactions were audio and video recorded and submitted to police.

3. Learned ASJ, Tis Hazari vide order dated 04.07.2024 has dismissed the applicant's previous anticipatory bail application.

4. In the aforesaid backdrop I have heard the rival contentions and perused the case file.

5. Learned counsel for the applicant would submit that the FIR is completely silent on any allegation of threat or fear being caused to the complainant, which is an essential element of the offence of extortion. The learned counsel would also submit that the complainant and his associate Irshad are stated to be part of a builder mafia engaged in constructing unauthorized buildings. Moreover, the FIR fails to disclose any details as to how, when, or in what mode the alleged payments of ₹10,000 and ₹20,000 were made to the applicant.

5.1 Furthermore, learned counsel would submit that the property in the FIR was mentioned in the list of unauthorized constructions in the PIL filed by the applicant. He would further submit that the present complaint appears to have been lodged in retaliation to the PIL, particularly since the FIR was registered on 10.06.2024 based on a complaint dated 11.02.2024, concerning an incident of 03.02.2024, suggesting collusion between the complainant



and the police.

5.2 Learned counsel would also submit that applicant was served a notice under Section 41A of CrPC on 27.06.2024 to appear on 29.06.2024 but, due to health issues, sought exemption and filed an anticipatory bail application on 03.07.2024. Subsequently, another notice under Section 41 CrPC was pasted at his residence for 04.07.2024, the same date his bail application was listed. He would further submit that the applicant is ready and willing to join the investigation and his earlier non-appearance was due to the circumstances mentioned.

5.3 He would further submit that applicant's trust had filed a writ petition seeking to construct a girls' school which was dismissed due to an ownership dispute (WP(C) No. 13543/2021 *vide* order dated 30.11.2021. Though unrelated to the present FIR, the learned Sessions Court erroneously considered it while rejecting bail. The learned counsel would submit that the denial of anticipatory bail is based on untenable grounds, causing serious prejudice to the applicant who has clean antecedents and no prior criminal record.

5.4 Learned counsel would finally submit that the applicant is the Chairman of a registered public welfare trust and a permanent resident of the stated address. Hence, there is no likelihood of absconding.

6. The matter was earlier heard by a Co-ordinate Bench of this Court and the applicant was granted interim protection *vide* order dated 12.07.2024, following order was passed:

“BAIL APPLN. 2406/2024 & CRL.M.(BAIL) 1143/2024

1. The Petitioner has approached this Court seeking bail in the



event of arrest in FIR No. 150/2024 dated 10.06.2024 registered at Police Station Chandni Mahal for offences under Section 384, 385, 120B & 34 IPC.

2. The allegation against the Petitioner is that the Petitioner has extorted money under the threat of filing petitions against the complainant for the constructions being carried out by the complainant.

3. Attention of this Court has been drawn to an Order dated 14.02.2024 in W.P.(C) 5607/2022, wherein this Court has observed as under:-

“4. Learned counsel for the Municipal Corporation of Delhi („MCD”) is directed to file a status report with regard to the ten (10) properties mentioned in para 7 of CM APPL. 8780/2024. 5. Mr. Sanjay Ghosh, the learned senior counsel for Mohd. Shakeel and Danish and Mrs. Farhat Jahan Rehman, learned counsel for Amanuddin state that the present writ petition has been filed by the petitioner to extort money. He states that he has a video recording to that effect. 6. After some arguments, learned counsel for Mohd. Shakeel, Danish and Amanuddin state that they shall file complaints with the police with regard to the alleged extortion demand. If such complaints are filed, this Court directs that the police shall independently investigate the complaints in accordance with law. This Court clarifies that it has not commented on the merits of the video recording or on the complaints to be filed by Mohd. Shakeel, Danish and Amanuddin.”

4. On the basis of the said order FIR No.150/2024 has been registered against the Petitioner.

5. Issue notice.

6. Ms. Priyanaka Dalal, learned APP for the State, accepts notice.

7. Learned APP is directed to file the Status Report which shall indicate how many writ petitions have been filed by the Petitioner in this Court relating to unauthorized constructions, whether writ petitions have been filed and were lying in



defects and were withdrawn without the order of the Court and whether any writ petitions have been filed and withdrawn without further proceedings. Let the Status Report be filed within 15 days from today.

8. Till the next date of hearing, let the Petitioner be not arrested. However, the Petitioner is directed to cooperate with the investigation and join the investigation as and when called for.

9. List on 29.07.2024.”

7. On resumed hearing, upon a query put to the learned APP for the State as to whether any custodial interrogation of the applicant is required, she states, under instructions from the Investigating Officer, that as and when the Investigating Officer sought the appearance of the applicant before him, the applicant has complied with the same. He joined the investigation.

7.1 She submits that his voice samples were required to be taken for forensic tests and he has also voluntarily given the same. She would submit that, at this stage, no further information and or any documents are required from the applicant and that all that which was required has already been given by him.

7.2 However, learned APP for State opposes the bail application stating that in course of interrogation of the applicant he has given evasive answers.

8. Learned counsel for the complainant, however, strenuously, opposes the petition arguing that the applicant is a habitual extortionist and misuses his ability to recourse to Public Interest Litigation as a tool to harass the residents of the locality who are otherwise carrying out legal activities in accordance with law.

9. He further submits that the applicant has filed writ petitions in the nature of public interest seeking demolition of as many as 200 properties



alleging that the same have been illegal constructions. He further points out that the FIR has been registered after investigation was carried out by the police officials in course of the hearing of the Public Interest Litigation.

10. Having heard the rival contentions, I am of the view that the complainant is opposing the bail merely for satisfaction of his ego. As regards to the allegations against the applicant concerned, the same are matter of trial.

11. Regarding his having filed Public Interest Litigations and/or with the oblique motives of extortion, the complainant is at liberty to take appropriate action in the PIL and it is not for this Court to comment on the same.

12. Qua the argument of learned APP that the applicant has given evasive answers, I am of the view that merely because the applicant has not responded to the questions of the Investigating Officer on the dotted lines or has not made any confession and or stated anything incriminating against him, the same cannot be termed as non-cooperation.

13. Needless to say, the applicant has the right to defend himself and he has otherwise answered all the questions, whether or not evasive, the same is again matter of trial. If held guilty the law will take its own course.

14. Reverting to the issue in hand, i.e., whether the custody of the applicant is required, I am of the view that since the applicant has extended his cooperation and nothing is required to be recovered from him, it is not a case of any preventive custody.

15. Accordingly, the aforesaid order dated 12.07.2024 passed by this Court is made absolute. The Investigating Officer shall cause formal arrest of the applicant and release him forthwith subject to furnishing personal bond with one surety of the equivalent amount to his satisfaction in terms of



the conditions and provisions as contained under Section 482 (2) of the BNSS, if not already done so.

16. The petition is disposed of accordingly.

ARUN MONGA, J

SEPTEMBER 1, 2025/SV