BM no.542/26
State vs Azharuddin
FIR no.387/25
PS Bhajanpura

12.06.2026
Present: **Sh. Gaurav Singh,** ld. Addl. PP for the State alongwith IO SI Manish
Sh. Gagan Wadhwa and Ms. Shivani, ld. counsels for accused/applicant.

This is the first bail application u/s 483 BNSS moved on behalf of accused/applicant.

Present FIR had been registered on the complaint of complainant Mohd. Sajid, who alleged that in July 2022, he was approached by Afsar Ali, who represented himself as a broker of Azharuddin and was a neighbour. Afsar Ali allured the complainant on assurance of arranging a new TSR auto at the lowest price alngwith easy loan facility and took him to his shop namely Sai Baba Kirpa Auto deals at Bhajanpura. He further alleged that he was induced to purchase TSR auto for Rs.2,50,000/- out of which Rs.1 lac was paid in cash to Azhar while remaining amount of Rs.1.20 lac was financed at an interest rat of 10% p.a. for a period of 24 months, repayable in EMI of Rs.7500/- each. Azhar did not issue any receipt and did not provide copies of loan documents, assuring that margin amount would be adjusted and hypothecation would be removed after full repayment of the loan. He further alleged in his complaint that at the time of delivery of TSR, Azhar obtained his signature and thumb impressions on blank, unfilled and printed loan papers. He deposited all the monthly installments directly at the shop of Azhar. After clearing all dues, when the complainant approached Azhar for issuance of 'No Dues Certificate' and removal of hypothecation, Azhar refused him. Thereafter, officials of M/s Dandona Finance informed him that the TSR was hypothecated with their company and loan of Rs. 4 lacs had been availed in his name and demanded an outstanding amount of Rs.2,98,100/- and threatened repossession of the vehicle. Azhar had taken huge money from M/s Dandona Finance against loan documents of several TSR drivers including the complainant and thereafter defaulted and absconded.

It is submitted in the bail application that accused has been falsely implicated in this case and there is no previous case against the accused. It has further been contended that he had been joining the investigation since the inception and there was no question of arresting the accused as only section 406 IPC was invoked . No notice or summons was served by the IO to appear. It is further submitted that he is the sole bread earner of his family. The contents of FIR ex-facie establishes the culpability of M/s Dandona Finance Ltd., which has not been interrogated by the IO. It is further submitted that there is an agreement between accused and the complainant regarding the NOC and it cannot be believed that he is not having any receipt of down payment and when he came to know abut the hypothecation of M/s Dandona Finance Ltd., still he was allegedly making the payment to the appellant who allegedly executed the agreement with ccomplainant to get the NOC.

Reply to the bail application has been filed by the IO. It is submitted in the reply that during investigation, it was found that Azhar did not run his shop at the address given. Multiple FIRs have been registered against accused/applicant. It is further submitted that as per agreement between Dandona Finance and Sai Baba Kirpa Auto Deals, accused/applicant is responsible for executing loan documents on which amount has been written as Rs.4 lacs. It is submitted that if accused is released on bail, he may threaten the witnesses/complainant or tamper with evidence. It is submitted that anticipatory bail application of accused has already been dismissed. It is therefore, prayed that bail application of accused be dismissed.

I have heard ld. Addl. PP for State and ld. counsel for applicant and perused the record very carefully.

It has been contended by ld. counsel for accused that accused has been falsely implicated in this case. It has been contended that the accused is ready to provide NOC from M/s Dandona Finance Ltd and the entire amount has been paid by the accused.

However, no such receipt has been shown on the record nor any NOC has been shown on record, but this contention of ld. counsel reflects that allegations are prima facie correct.

On the other hand, ld. Addl. PP for the State has opposed the bail application and submitted that accused was earlier involved in similar offences but in the affidavit filed with the application, the disclosure has not been made.

Ld. counsel for applicant submits that application was filed by wife of the accused and she might not have been aware about it. However, this is clear violation of directions of Hon’ble Supreme Court and therefore, the application is liable to be dismissed on this ground alone.

Considering the overall facts and circumstances, I find that there are no grounds to grant bail to the accused. Hence, the application at hand is accordingly, dismissed. Copy of the order be given dasti.

PARVEEN SINGH

Digitally signed by PARVEEN SINGH
Date: 2026.06.12 17:08:06 +0530

(Parveen Singh)
Vacation Judge,
ASJ-03(NE)/KKD Courts/Delhi
12.06.2026