

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

Bail Application No.119 of 2010 & C.M. Appl. No.643 of 2010

%

30.07.2010

ANIL KUMAR RAJPAL

..... Petitioner

Through: Mr. D.C. Mathur, Senior Advocate with
Mr. Jivesh Tiwari & Ms. Suman Chauhan,
Advocates.

Versus

STATE

.....Respondent

Through: Mr. O.P. Saxena, APP for the State with
Inspector Arun Kr., P.S. Tilak Marg.
Mr. Rahul Pandey, Advocate for R-2.
Mr. Hitender Kapur, Advocate for the
complainant.

WITH

Bail Application No.164 of 2010 & C.M. Appl. No.910 of 2010

MAMTA BHATNAGAR & ANR.

..... Petitioners

Through: Mr. Arminder Sharan, Sr. Advocate with
Mr. Ravinder Singh, Advocate.

Versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. O.P. Saxena, APP for the State with
Inspector Arun Kr., P.S. Tilak Marg.
Mr. Rahul Pandey, Advocate for R-2.
Mr. Hitender Kapur, Advocate for the
complainant.

Reserved on: 21st July, 2010

Pronounced on: July 30, 2010

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

J U D G M E N T

1. The applicants/petitioners have prayed for anticipatory bail. A complaint under Section 403/406/408/409/420 IPC was registered against them resulting into F.I.R.

No.375 of 2006. The allegations against the accused Anil Kumar Rajpal are that he was Chief Executive Director of the Co-operative Society and he had initiated a scheme for providing LIC cover to the members of the Society. He had assured the members that no agent would be involved in this scheme and premium would be collected from the salary of the members of Society and paid directly to LIC. However, he clandestinely got two of his relatives, namely, Smt. Mamta Bhatnagar and Smt. Preeti Bhatnagar appointed as agents with LIC with a result that these two agents were paid a commission of Rs.1,20,00,000/- by LIC. The other allegations are that the LIC policies obtained for members expired but still collection of premium continued and this was not deposited with LIC. However, it is not the case of the complainant that the premium collected was misappropriated by the applicant or as a result of paying commission by LIC, a loss was suffered by the Society or members. Rather the case of the complainant is that the premium collected was separately deposited in an account of the Society and out of this account of Society, despite expiry of the LIC cover, the deceased members were paid benefits under the policy.

2. The premium being collected from each member from each members' salary was Rs.50/- per month. There were approximately 65,000 members of the Society all over India. Thus, a sum of Rs.32 lac per month was being collected from the salary of the members. The commitment made by the applicant to members was that a Group Insurance Policy would be obtained for the members. This Group Insurance Policy actually was obtained but it was allowed to lapse and it was not renewed. It was also alleged that the accused did not bring it to the notice of the employees that the policies had lapsed and the premium collected from the employees was being deposited in a reserve account.

3. The entire investigation in this case is record based. It is not alleged that the accused in any manner had tried to destroy the record or to fudge the record. The case is pending investigation against accused since year 2006. The investigation does not seem to have been completed till date. The accused under directions of the court had appeared before the Investigating Officer.

4. Looking at the fact that there are no allegations of embezzlement of funds and the allegations are of non-renewal of LIC policy and despite non-renewal, collection of premium by the Society and depositing it in a reserve fund, I consider it would be appropriate that the accused is given benefit of anticipatory bail and is directed to cooperate in investigation and not to leave the jurisdiction of the court without permission.

5. The other accused seeking anticipatory bail are Smt. Mamta Bhatnagar and Smt. Preeti Bhatnagar. The allegations against them are that they got appointed as LIC agent. The commission received by these two applicants was given to them by LIC and not out of the funds of the Society. I, therefore, consider that keeping in view the nature of alleged offence, it would be appropriate that these two accused are also granted anticipatory bail.

6. The applications are allowed. The applicants, namely, Sh. Anil Kumar Rajpal, Smt. Mamta Bhatnagar and Smt. Preeti Bhatnagar, in case of arrest, shall be released on bail in case F.I.R. No.375 of 2006 on each of them executing a personal bond in the sum of Rs.10 lac with one surety each in the like amount to the satisfaction of the Arresting Officer/Investigating Officer. The applicants shall join investigation as and when

required by the Investigating Officer by serving a notice. They shall cooperate in the investigation, shall furnish all documents as demanded from them and shall not leave the country without prior permission of the trial court.

7. The applications stand disposed of accordingly.

SHIV NARAYAN DHINGRA
[JUDGE]

JULY 30, 2010
‘AA’