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

+ **BAIL APPLN. 52/2015**

SUBHASH DATTA CHAUDHARI

..... Petitioner

Through :Mr. Manoj Ohri, Sr. Advocate with
Mr. Sachin Paril and Mr. Nitin
Lonkar, Advs.

versus

THE STATE OF NCT

..... Respondent

Through :Mr. Yogesh Verma, APP with SI
Alok, P.S. Sarai Rohilla

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **29.04.2015**

Learned APP submits that FIR No. 991/2014 under Sections 406/465/468/471/120-B IPC read with Section 66-C of the Information Technology Act, 2000 was registered at Police Station Sarai Rohilla against the petitioner and co-accused on the complaint of Director of M/s. Tigaksha Safety Razor Blade Pvt. Ltd. The complainant alleged in the FIR that Shri Ajai Kumar, Company Secretary had uploaded Form No. 32 on 20th June, 2012 on the website of Ministry of Corporate Affairs to the effect that petitioner was appointed as an Additional Director of the company with the motive to harm goodwill of the company. He alleged that he came to know about this fact in the month of August, 2012. On coming to know this

information, he sent a notice dated 16th August, 2012 to co-accused Ajai Kumar and also lodged a complaint with the Institute of Company Secretaries of India, which held Ajai Kumar guilty of not exercising due diligence while performing his professional duties. Co-accused Ranvir Chandel was in possession of the digital signatures of the complainant, which were misused and petitioner was shown as having been appointed as Additional Director of the company in Form No. 32.

Learned Senior Counsel for the petitioner contends that petitioner is aged about 60 years and is a resident of Mumbai. He never participated in any of the meetings of the said company nor has derived any benefit from the company. Petitioner did not visit Delhi nor was in possession of any digital signature nor had uploaded Form No. 32 on the website. Petitioner is not aware as to who had uploaded the said Form and on whose instructions. Complainant had allegedly come to know about the uploading of Form no. 32 in the month of August, 2012; however, no FIR was lodged till 2014. There is no explanation for such a long delay. He submits that it can be mischief of somebody else, more so, petitioner has not derived any benefit from this act nor had written any consent letter and statement to this effect has already been made to the Investigating Officer, inasmuch as petitioner

has also given his handwriting and specimen signatures, which have been sent to FSL.

Keeping in mind the totality of circumstances, it is ordered that in case of arrest, petitioner be released on bail subject to his furnishing a personal bond in the sum of ₹25,000/- (Rupees Twenty Five Thousand Only) with one surety in the like amount to the satisfaction of Investigating Officer/Arresting Officer/Station House Officer, Police Station Sarai Rohilla. However, petitioner shall cooperate in the investigation and appear before the Investigating Officer as and when he is called upon to do so.

Application is disposed of in the above terms. Dasti.

A.K. PATHAK, J.

APRIL 29, 2015

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