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

+ **BAIL APPLN. 1170/2015**

SUNIL SHARMA

..... Petitioner

Through: Mr. Suhail Malik, Advocate
with Mr. Vikas Malik and Mr. Vivek
Jaiswal, Advocates

versus

STATE

..... Respondent

Through: Mr. O.P. Saxena, Addl. PP for
the State with SI Ashwani
Kumar

Mr. Anurag Jain, Advocate for
Dhanlaxmi Bank

With

+ **BAIL APPLN. 1171/2015**

RAMKESH YADAV

..... Petitioner

Through: Mr. Suhail Malik, Advocate
with Mr. Vikas Malik and Mr.
Vivek Jaiswal, Advocates

versus

STATE

..... Respondent

Through: Mr. O.P. Saxena, Addl. PP for
the State with SI Ashwani
Kumar.

Mr. Anurag Jain, Advocate for
Dhanlaxmi Bank

and

+

BAIL APPLN. 1172/2015

NARENDAR

..... Petitioner

Through: Mr. Suhail Malik, Advocate
with Mr. Vikas Malik and Mr.
Vivek Jaiswal, Advocates.

versus

STATE

..... Respondent

Through: Mr. O.P. Saxena, Addl. PP for
the State with SI Ashwani
Kumar.
Mr. Anurag Jain, Advocate for
Dhanlaxmi Bank

CORAM: JUSTICE S.MURALIDHAR

ORDER

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11.06.2015

CRL. MA Nos. 8847-49/2015 (Exemptions)

1. Exemptions allowed subject to all just exceptions.
2. The applications are disposed of.

BAIL APPLN. 1170-72/2015

3. These are three applications seeking anticipatory bail in proceedings arising out of FIR No. 11/2014 under Sections 406, 420 read with Section 120-B of the IPC registered at Police Station: Economic Offences Wing, Central District.

4. All the three Petitioners are accused in the FIR. According to the Petitioners, the main accused shown at Sl. Nos. 1 to 6 at Column No. 11 of the charge sheet have already been arrested and granted bail after remaining in custody for around six months.

5. It is submitted by Mr. Suhail Malik, learned counsel for the Petitioners, that for the last 17 months, the Petitioners have not been sought to be arrested. Their custody in any event is not required, now that the investigation is complete. He states that none of them received any notice to join investigation. He states that they are illiterate and economically weak persons, who were not aware of the alleged conspiracy involving the main accused. The Petitioners claim to be victims of the fraud committed by the main accused.

6. Secondly, it is submitted by Mr. Malik that the Petitioners are till date not aware of the NBWs issued against each of them on two occasions. He submits that although a notice under Section 82 of the CrPC may have been published in the newspapers, none of the Petitioners is yet to be formally declared a 'Proclaimed Offender'.

Thirdly, he submitted that some of the other co-accused, who are similarly placed, have been granted benefit of stay of arrest by this Court by order dated 29th May, 2015 in Bail Applications No. 1096, 1097 and 1098 /2015.

7. Mr. O.P. Saxena, learned Additional Public Prosecutor ('APP') opposes the prayer and submits that the Petitioners have been absconding for more than 17 months now. Twice, NBWs have been issued against them. He states that the notice under Section 82 CrPC against the Petitioners has been published in Hindustan Times as well as Dainik Jagran. The notices under Section 82 CrPC have been made returnable on 25th June 2015. He submits that the above facts hold true for the other co-accused whose arrest has been stayed by this Court. It is possible that they were not brought to the notice of the Court at that stage. Mr. Saxena states that the offences are serious in nature and warrant no leniency, at this stage.

8. At the outset, the Court notes that the Petitioners on their own showing have been aware of and have been following the proceedings *qua* the main accused. Despite that, they consciously failed to

cooperate with the investigating agency by joining investigation for over 17 months now. In a case like this where the Petitioners were avoiding the process of law for the last 17 months, where NBWs have been issued twice against them, and proceedings under Section 82 of the CrPC have been initiated, grant of the interim relief of anticipatory bail at this stage will amount to placing a premium on law avoidance.

9. As far as the bail applications of other similarly placed co-accused are concerned, only a temporary stay of arrest has been ordered. It is not clear if the Court was made aware of the fact that NBWs have been issued and that NBWs were issued against those Petitioners as well.

10. In the circumstances, the Court finds that no ground has been made out for the grant of anticipatory bail to the Petitioners.

11. The applications are dismissed.

S.MURALIDHAR
(Vacation Judge)

JUNE 11, 2015/rs