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

+ **BAIL APPLN. 371/2016**

ANIL GUPTA

..... Petitioner

Through: Mr.Vipin Gogia and Mrs.Jaspreet
Gogia, Advocates.

versus

THE STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Mr.Kewal Singh Ahuja, APP for the
State with SI R.P.Singh, PS Naraina.
Mr.Shiv Charan Garg, Advocate for
the complainant.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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19.02.2016

Crl.M.A. Nos.2951-52/2016 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

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1. The petitioner seeking regular bail in case FIR No.418/2015 under Sections 380/420/406/409/120-B IPC, PS Naraina, Delhi.
2. Mr.Vipin Gogia, Advocate for the petitioner has submitted that the petitioner himself was one of the Directors of the company M/s Indianhawks Wealth Creators Pvt. Ltd. The complainant Vicky Arora as Director of the company had served notice dated 14.11.2014 (Annexure-P5)

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on the brother of the petitioner to vacate the accommodation which was rented out to the company and thereafter the same was vacated and peaceful possession was handed over. It is further contented on behalf of the petitioner that no offence under Sections 380/420/406/409/120-B IPC is made out against the petitioner. He is in custody in this case since 12.01.2016. The nature of the dispute between the petitioner and the complainant and other Directors is of civil nature for which civil litigation is pending between the parties.

3. Learned APP for the State as well as learned counsel for the complainant have opposed the prayer for bail made by the petitioner contending that the petitioner had been giving salary to his wife and son as an employee of the company though they had neither the desired qualification nor they were rendering any services. Reference has also been made of the SMS sent by the present petitioner to one of the Directors wherein he has admitted about removal of four ACs which were assets of the company.

4. Learned APP for the State has also contended that in this case recovery is yet to be effected, hence prayer for bail has been strongly opposed.

5. A bare perusal of the FIR reveals that it is a dispute amongst the Directors of the company M/s Indianhawks Wealth Creators Pvt. Ltd. The petitioner is in custody for more than a month. It is necessary to record here that after the arrest of the petitioner in this case, he was remanded to police custody to effect the recovery and admittedly no recovery has been effected.

6. Taking into consideration the nature of the accusations made against the petitioner and that no recovery has been effected despite custodial

interrogation of the petitioner as well as the fact that the dispute is over the assets of the company of which the complainant and the petitioner are the Directors and that one of the co-accused Manisha Gupta – wife of the petitioner has been enlarged on anticipatory bail, it is directed that the petitioner be released on bail on his furnishing personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of learned Trial Court/Link Court.

7. Application stands disposed of.

8. A copy of this order be sent to the concerned Jail Superintendent for information and compliance.

As prayed, copy of this order be also given dasti to learned counsel for the parties.

Crl.M.B.No.347/2016

Dismissed as infructuous.

PRATIBHA RANI, J.

FEBRUARY 19, 2016

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