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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 440/2016
DEVENDER GUPTA

..... Petitioner

Through Mr Sumit Kalra, Adv.
versus
STATE (GOVT OF NCT)

..... Respondent

Through Mr Akshai Malik, Additional Public
Prosecutor for the State alongwith Sub
Inspector Vijay Kumar Police Station Farsh
Bazar, Delhi

CORAM:
HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER
% 22.03.2016

This is a bail application under Section 438 Cr.PC moved by the petitioner for grant of anticipatory bail in case FIR No. 1032/2015 under Section 408 IPC registered at Police Station Farsh Bazar, Delhi.

The FIR in the instant case was registered on the basis of a complaint made by Mr Amit Singhal regarding embezzlement of Rs.5.57 lacs by the petitioner – Davender Gupta who was working as salesman with him.

It is submitted by learned counsel for the petitioner that although as per the averments in the FIR, the factum of misappropriation of the aforesaid amount came to the notice of the complainant on 15.03.2015 yet the FIR was registered only on 30.12.2015. Moreover, the details of the shopkeepers from whom the petitioner might have collected the amount is not mentioned in the FIR. The petitioner is ready and willing to join investigation as such he may be granted interim protection.

The application is vehemently opposed by learned Additional Public Prosecutor for the State on the ground that when the factum of embezzlement of this amount came to the notice of the complainant, the petitioner was confronted with the same and he admitted his fault and gave an undertaking to return the money by giving an affidavit and also gave three undated cheques for security purposes to the complainant but thereafter he did not return the amount and in fact fled away from the house. Reference was made

to the statements of two shopkeepers, namely, Shiv Kumar Bakshi and Shri Kanak who reported that they had paid the money to the petitioner – Davender Gupta for mobile phones. It is further submitted that custodial interrogation of the petitioner is required as the money is required to be recovered.

Keeping in view the seriousness of the allegations coupled with the fact that as per the case of the complainant, the petitioner had handed over an affidavit undertaking to repay the amount and also gave three cheques towards security but no payment was made by him, this is not a fit case of grant of anticipatory bail.

The application is accordingly dismissed.

SUNITA GUPTA, J

MARCH 22, 2016/*rd*