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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 438/2015**

JATASHANKAR PANDEY

..... Petitioner

Through: Mr. R.S. Juneja and Ms. Amandeep
Kaur, Advs.

Versus

THE STATE OF DELHI

..... Respondent

Through: Ms. Kusum Dhalla, APP for State.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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19.07.2016

Learned counsel for the petitioner submits that petitioner was tenant of the complainant. Petitioner was engaged in the business of manufacturing of jeans/pants and selling the same in the market. Complainant joined his business on profit Sharing basis. Losses were suffered by the petitioner in business. Accounts were settled and petitioner paid ₹8 lacs to the respondent.

Learned APP for the State submits that allegations in the FIR are serious in nature. Petitioner was tenant of the complainant. He induced the complainant to pay him money from time to time on the pretext that the same will be utilised in the business and profits would be shared. In this way petitioner had taken ₹50 lacs from the complainant. He returned only

₹8 lacs. Remaining amount was not paid. Seventeen cheques for about 36 lacs were issued but the same were returned dishonoured on presentation. It is submitted that petitioner has cheated the complainant.

Learned counsel for the petitioner submits that FIR has been lodged on false allegations. Complainant voluntarily invested money in the business of petitioner and ₹8 lacs was paid to the complainant pursuant to the settlement of account. Cheques were obtained from the petitioner by the complainant forcibly. Complaints under Section 138 of the Negotiable Instruments Act, 1881 are being contested by the petitioner. Petitioner has provided all the details to the Investigating Officer.

Investigations are still underway. Vide order dated 5th March, 2015 it was ordered that no coercive action be taken against the petitioner. This order still continues. It is not disputed that petitioner has joined the investigations.

Keeping in mind the totality of the circumstances, it is ordered that in case of arrest, petitioner be released on anticipatory bail subject to his furnishing a personal bond in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the Arresting Officer/Investigating Officer/SHO concerned. However, petitioner shall join the investigation and

appear before the Investigating Officer as and when he is called upon to do so.

Bail application is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

JULY 19, 2016

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