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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1242/2016**
KAPIL GOGIA Petitioner

Through: Mr. H.S. Arora, Adv.

versus

THE STATE GOVT OF NCT OF DELHI Respondent

Through: Mr. Tarang Srivastava, Adv.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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14.07.2016

Present FIR No. 308/16 under Section 420 IPC has been registered at Police Station Vasant Kunj (North) on the complaint of thirteen persons who have been named in the FIR as complainants. The complainants have categorically mentioned in the FIR that petitioner (accused) was working as a Draftsman in M/s GR Infra Project Ltd. where complainants were also working. Petitioner represented that his brother was residing in United States of America (USA), therefore, he can get iPhones 6S 64 GB at the cost of ₹36,000/₹26,000/₹23,000 from USA. He represented that said i-Phones were available in India for ₹47,000/-. He took varied amounts from the complainants which were deposited in his account, details whereof had been mentioned in Annexure-I to the complaint. After collecting the money to the tune of ₹40 lacs, petitioner started avoiding the complainant,

inasmuch as, did not deliver all the mobile phone. He stopped coming to office and eventually resigned.

Investigations are underway. Learned APP for the State submits that mobile phones worth ₹40 lacs were not supplied. It has been verified that money was indeed deposited in the account of petitioner. Further, a similar kind of complaint has been filed by one Ms. Anju Vashisht against the petitioner at police station Dwarka. It is submitted that custodial interrogation is required to unearth the modus operandi of the petitioner and to effect recovery.

Learned counsel for the petitioner has placed reliance on *Suryalakshmi Cotton Mills Ltd. vs. Rajvir Industries Ltd. & Ors.* JT 2008 (1) SC 340 and *Samrat Singh Nirula vs. State of NCT of Delhi* 220 (2015) DLT 583 to contend that petitioner be granted bail since his intention to cheat is not deducible from the allegations levelled in the FIR more particularly, in view of the fact that petitioner had supplied 35 phones after purchasing from Delhi. I find these judgments to be not applicable in the present case being in the context of different facts.

For the foregoing discussions, I am of the view that custodial interrogation is required.

Bail application is dismissed.

Dasti.

A.K. PATHAK, J.

JULY 14, 2016/ga