

* IN THE HIGH COURT OF DELHI AT NEW DELHI

RAM CHANDER Petitioner

versus

..... Respondent

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **13.07.2016**

Crl.M.A. 10327/2016 (Exemption)

Allowed, subject to all just exceptions.

Application is disposed of.

BAIL APPLN. 1363/2016

Petitioner seeks anticipatory bail. Learned counsel for petitioner submits that petitioner is proprietor of R. C. Cargo and Carriers. It is submitted that complainant did not book any goods with R. C. Cargo and Carriers, as alleged in the FIR. In fact, one Mr. J. K. Jain and M/s. A. K. W. had booked goods to be delivered to M/s. Ruchi Garments at Bhagalpur, Bihar and receipts were issued to Mr. A. K. Jain and M/s. A. K. W. Goods were booked on 15th September, 2016 and 16th September, 2016 only. Goods

were duly delivered to M/s. Ruchi Garments at Bhagalpur, Bihar. For nine months, no grievance was raised by the complainant about the non-delivery of goods to either Mr. A. K. Jain and M/s. A. K. W. or to police. It is only after nine months, complainant has filed the present FIR alleging non-delivery of the goods. It is submitted that goods were not worth ₹2,23,000/- and were of ₹80,000/- only. Petitioner is ready to co-operate in investigation and provide document in his power and possession.

Learned APP submits that complainant has alleged in the FIR that he had booked three petti containing garments with R. C. Cargo and Carriers on 16th September, 2015 and 17th September, 2015 for delivering the same at Bhagalpur, Bihar. Value of the goods was worth ₹2,23,000/-. R. C. Cargo and Carriers issued bilty to S. K. Movers. However, goods have not been received by him till date. On these allegations, FIR under section 407 IPC has been registered at police station Gandhi Nagar. Investigations are at preliminary stage. Allegations are serious in nature, inasmuch as, goods have to be recovered, therefore, petitioner is not entitled to anticipatory bail.

Keeping in mind the totality of circumstances, it is ordered that in case of arrest, petitioner be released on bail, subject to his furnishing a

personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one surety of the like amount to the satisfaction of Investigating Officer/Arresting Officer/Station House Officer concerned. Petitioner shall, however, cooperate in the investigation and appear before the Investigating Officer, as and when he is called upon to join the investigation.

Application is disposed of in the above terms. Dasti.

A.K. PATHAK, J.

JULY 13, 2016/dk