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

+ BAIL APPLN. 1425/2016 & CrI.M.A. 10813/2016 (Stay)

RAM BABU

..... Petitioner

Through Mr.Samrat Nigam, Adv.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through Ms.Manjeet Arya, APP with PSI  
Suresh Kumar, PS Rajouri Garden.  
Mr.Nitin Mittal, Adv. for the  
complainant.

**CORAM:**

**HON'BLE MR. JUSTICE P.S.TEJI**

**ORDER**

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**29.07.2016**

Arguments heard.

Status report has been filed by the State.

The present application has been filed by the petitioner under Section 438 of the Cr.P.C. for the grant of anticipatory bail in FIR No.0659/2016, under Sections 420/406/34 IPC, Police Station Rajouri Garden.

As per FIR, the allegations levelled are that the complainant and petitioner/accused were the Directors of a private limited company under the name and style of M/s Sai Dham Jewelers Pvt. Ltd. The company purchased the Shop No.3, CA-108, Tagore Garden, New Delhi and after sometime one Rajesh joined as one of the Directors of the company. The company also purchased one

Honda City Car bearing registration No.DL 4CNC 7366 which was used by the petitioner. It was alleged that on 23.01.2016, the petitioner/accused removed some diamond and gold jewellery from the said shop to somewhere else. On 25.01.2016, accused removed the entire diamond, gold, gash and other articles of the shop to his own shop and locked the office of the company.

Learned counsel for the petitioner has argued that the accused and the complainant are the partners of the company formed by them. They both are known to each other. The jewellery and other articles alleged to have been removed are lying in another shop and it was in the knowledge of the complainant. It is further argued that the complainant has neither given the description of the jewellery nor its worth. It is further submitted that after receipt of notice under Section 41 Cr.P.C., the petitioner got a cardiac arrest.

Learned APP for the State has submitted that the petitioner is required for custodial interrogation to get the articles and car of the company recovered. It is further submitted that despite issuance of notice under Section 41 of the Cr.P.C. by the Investigating Officer, the petitioner did not join the investigation nor any intimation was sent to the Investigating Officer. It is further submitted that the accused is hiding to prevent his arrest. It is further submitted that the Court has already issued Non Bailable Warrant against the accused on 22.07.2016.

In view of the fact that the notice under Section 41 Cr.P.C. was already issued by the Investigating Officer of the case and despite its issuance the petitioner did not join the investigation and the fact that

Non Bailable Warrants are still operating against the petitioner, this Court is not inclined to grant bail to the petitioner.

The bail application and Crl.M.A. 10813/2016 are accordingly dismissed.

**P.S.TEJI, J**

**JULY 29, 2016**  
**dd**