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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 931/2015**

MOHAN MALANI Petitioner
Through: Mr. Ashesh Lal, Adv.

Versus

COMMISSIONER OF POLICE & ANR Respondents
Through: Mr. Amit Chadha, APP for State with
SI Varun Dalal, P.S. Lahori Gate.
Mr. Palash Agarwal, Adv. for the
Complainant.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **23.09.2016**

Learned counsel for the petitioner submits that complainant is nephew of petitioner. The disputes between the parties are with respect to shareholding of company, namely, M/s Darshansons Estate Pvt. Ltd. (for short, 'the company') incorporated in the year 1987. Nephew of petitioner was one of the directors in the company. On 18th June, 2014 Alok Malani son of the petitioner was also made one of the directors of the company. The balance sheet has been signed by Alok Malani on 30th September, 2014, that is, after he was made director. No forgery has been committed by the petitioner. Alok Malani was made a director in accordance with law. Even

otherwise, the disputes between the petitioner and other directors are pending before the Company Law Board which has been filed by the complainant under Section 397/398 read with Section 399 and 402 of the Company Act, 1956. Investigation is over. Petitioner has cooperated in the investigation. During the pendency of present application, petitioner has been enjoying interim protection.

Learned APP for the State submits that investigation is over and charge-sheet has been filed. He vehemently opposes the bail on the ground that Alok Malani was illegally made a director in the company without the consent of complainant and without any board resolution. It is further contended that balance sheet was signed by Alok Malani which pertains to the financial year 2013-14 even when he was not a director.

Investigation is complete. Petitioner cooperated in the investigation. Petitioner has been enjoying interim protection since 18th May, 2015 which continues till date. Keeping in mind the totality of the facts and 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 ₹50,000/- with one surety in the like amount to the satisfaction of Arresting Officer/Investigating Officer/SHO of the concerned police station.

Bail application is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

SEPTEMBER 23, 2016

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