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

Date of decision: 04.02.2016

+ BAIL APPLN. 1996/2015, CRL. M.A Nos. 13873/2015 & 14695/2015

SACHIN KAPOOR

..... Applicant

Through

Mr. R.N. Mittal, Sr. Advocate with
Mr. Arvind Kumar and Ms. Suman
Rani, Advocates

versus

STATE

..... Respondent

Through

Ms. Radhika Kolluru, APP for State

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. The present is an application under section 438 of the Code of Criminal Procedure, 1973 (Cr.P.C.) read with Section 482 Cr.P.C. seeking pre-arrest bail in FIR No. 91/2012, under Sections 406/420/120B IPC, registered at Police Station- Economic Offences Wing, Mandir Marg, Delhi.
2. A status report has been filed on behalf of the official respondent.
3. A perusal of the status report reveals that the company in question- M/s Modern New Kapoor Jewellers Pvt. Ltd. and its directors/promoters

have settled the disputes/claims/deposits/grievances of a total of 45 victims which include the complainant in the subject FIR, clarifying, however, that out of the said victims, 6 victims have received only a token amount so far. It further reveals that the applicant herein has joined investigation and has during the interrogation stated that the company in question is in the process of settlement of the disputes raised on behalf of other purported victims as well. It lastly reveals that the applicant has provided a copy of ITR, sale/purchase vouchers of M/s AL Diamonds as required.

4. In the present case, it is observed that the applicant has clean antecedents and claims and allegations including those made by the complainant in the subject FIR are only with reference to the company in question- M/s Modern New Kapoor Jewellers Pvt. Ltd.

5. At this stage, there is neither any hint nor allegation that the applicant shall not be available to stand trial or that he may attempt to tamper with the evidence or try to influence the witnesses in the subject FIR.

6. In my view, no useful purpose shall be served by requiring the custodial interrogation of the applicant herein.

7. In view of the foregoing, the present bail application is allowed.

8. In the event of applicant's arrest, he shall be released on bail on his furnishing a personal bond in the sum of Rs. 1,00,000/- with two sureties of the like amount to the satisfaction of the Arresting Officer/Station House In-charge subject to the further conditions:-

(i) That he shall continue to co-operate with the investigation and make himself available for questioning to a Police Officer as and when called upon to do so.

(ii) That he shall not try and influence witnesses or tamper with the evidence in the subject FIR.

(iii) The applicant shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the present case so as to dissuade them from disclosing such facts to the Court or to any other authority.

(iv) The applicant shall also surrender his Passport, if any, before the Investigating Officer in the subject FIR, within two days from today.

7. With the above directions, the present bail application is disposed of. Pending applications also stand disposed of.

FEBRUARY 04, 2016/SD

SIDDHARTH MRIDUL, J