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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2213/2015**

NITIN RAI

..... Petitioner

Through: Mr. Pawan Sharma, Adv.

versus

THE STATE

..... Respondent

Through: Mr. Kewal Singh Ahuja, APP for
State along with SI Kali Charan, P.S.
Ashok Vihar.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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21.07.2016

Learned counsel for the petitioner submits that petitioner was employed with the complainant-M/s Vidur Company Pvt. Ltd. (for short, the Company). His job was to collect money from the various dealers/shopkeepers in respect of the mobile phones supplied by the complainant. Whatever amount was collected by the petitioner from the shopkeepers was duly deposited with the Company. Petitioner has not misappropriated any amount of the complainant. It is further submitted that petitioner left his job and after three months present FIR was registered against him on false grounds that he had not deposited the money collected from 29 shopkeepers. Petitioner has been falsely implicated by the complainant.

Learned APP for the State submits that complainant has categorically

stated in the FIR that petitioner had collected the amount from 29 shopkeepers but did not deposit the same with the complainant. Instead petitioner abruptly left the job without handing over the accounts. On checking the accounts, it was revealed that amount collected from the 29 shopkeepers was not deposited with the complainant. Names of the shopkeepers with their addresses have been given in the FIR. During the investigation, statement of all the 29 shopkeepers have been recorded. Out of 29 shopkeepers 25 shopkeepers have categorically stated that petitioner had collected the money from them for and on behalf of the Company. It is submitted that custodial interrogation is required, inasmuch as, misappropriated amount has to be recovered. It is further submitted that during the investigation, it was revealed that petitioner had taken three blank cheques from M/s Prakash Telecom against the bill of about ₹24,000/-. These three cheques were not deposited by him in the account of the complainant. Out of these cheques, one check was deposited by him in his own account; whereas two cheques were deposited in the account of one Mr. Hemant Bansal, who was known to the petitioner. M/s Prakash Telecom has also filed a complaint in this regard at police station S.P. Badli.

Keeping in mind the above facts, I am of the view that petitioner is

not entitled to concession of anticipatory bail. Application is dismissed.

A.K. PATHAK, J.

JULY 21, 2016

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