$~4

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

\+ BAIL APPLN. 131/2017

NARENDER KUMAR MALIK ..... Petitioner

Through Mr.K.B. Upadhyay, Mr.C.P. Pandey and Mr.S.P. Gupta, Advs.

versus

STATE ..... Respondent

Through Mr.M.S. Oberoi, APP with SI R.S. Pandit, PS Preet Vihar.

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

O R D E R

% 02.02.2017

Arguments heard.

The present application has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.195/2016, under Sections 420/467/468/471/120B IPC, Police Station Preet Vihar.

The allegations levelled in the instant case, as per the FIR, are that the complainant Sh.Neeraj Katoch, an official of ICICI Bank made a complaint to the police that the bank had received one cheque bearing no.545353 of Rs.71 lakhs from the account of Cipla Limited and another cheque no.226740 of Rs.11 crores from the account of SREI Equipment Finance Limited. Both the said cheques were in favour of Sri Sai Baba Trust and the cheques were dropped at the box placed at Preet Vihar branch. On verification, the cheques were found forged. Verification was made from the respective customers and it was found that no such cheques were issued by them. It was alleged that the accused Narender Kumar Malik was the beneficiary of both the cheques. He was called by the bank officials and then handed over to the police. It was also revealed that accused Narender Kumar Malik was the authorized signatory of the said trust in whose account the cheques were deposited.

After the registration of FIR, the investigation was carried out. Investigation revealed that a conspiracy was hatched by accused Narender Kumar Malik along with co-accused Rajender Kumar, Devender Singh, Udit Prajapati and Balwant Singh. All the other co-accused persons were arrested. One more accused Harmeet Singh was also arrested.

Argument advanced by the counsel for the petitioner/accused is that the other co-accused persons have already been released on bail and on the ground of parity, the present accused is also entitled for the grant of bail. It is further submitted that the allegations levelled against all the accused persons including the petitioner are almost similar, therefore, he claimed the grant of bail on the ground of parity.

On the other hand, learned APP for the State opposed the bail application on the ground that the present accused is the main accused as he is the ultimate beneficiary of the forged cheques in question. He is the authorized signatory of the account of the Trust. The role of the present accused is distinct from the other co-accused persons and no ground to grant him bail is made out and he cannot claim parity with other co-accused persons.

During the course of arguments, bank statement of Shri Shirdi

Sai Baba Trust has been placed on record. Perusal of bank statement of the said Trust shows that there was only a meagre amount lying in the said bank account. It has not been shown that the said Trust used to receive any big amounts from any company.

It is specifically alleged against the petitioner/accused that he is the ultimate beneficiary of the said Trust and had been solely managing the affairs and bank account of the Trust being the only authorized signatory. It is also alleged against him that he had hatched a criminal conspiracy with his co-accused persons to get the forged cheques in question in the account of the Trust. The amount involved by way of two cheques is worth Rs.71 lakhs and Rs.11 crores. Thus, the role attributed to the petitioner/accused is distinct and separate from the co-accused persons and no ground is made out to claim the parity with the other co-accused persons for the grant of bail.

In view of the above mentioned facts and circumstances, this Court is not inclined to grant the concession of bail to the petitioner/ accused.

Bail application is accordingly dismissed.

P.S.TEJI, J

FEBRUARY 02, 2017
dd