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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 242/2017
 TEKCHAND

..... Petitioner

Through: Mr. Hemant Choudhary, Adv.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Mr. Rajat Katyal, APP with SI
 Yashpal Singh, PS Geeta Colony
 Mr. Vikrant Goyal for R-2

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
08.02.2017

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Crl. M.A. No. 2246/2017

Exemption allowed, subject to all just exceptions. The application stands disposed of.

BAIL APPLN. 242/2017

Issue notice. Notice is accepted on behalf of the State. The status report tendered in court is taken on record. The petitioner has preferred the present bail application to seek anticipatory bail apprehending arrest in case FIR 375/2016 u/s 381/408/34 IPC registered at PS Geeta Colony. The case against the accused persons is that they had misappropriated and embezzled an amount of Rs.61 lakhs of the complainant. The petitioner, his brother

Sanjay Kumar and wife of Sanjay Kumar, namely, Rekha allegedly hatched a conspiracy and defrauded the complainant of the aforesaid amount by stealing the stocks and encashed about Rs.26 lacs from the companies account. They also misappropriated Rs.35 lacs which was receivable from the other parties.

It appears that the petitioner and his brother Sanjay Kumar are the prime accused in the case who sold the inventory of Rajshree International using the bill books of another company i.e. UP Surgico owned by one Avnish Kumar. The monies were received by him in his concern UP Surgico. Once the monies were received, the co-accused Sanjay Kumar is alleged to have taken the cheques for the received payment from UP Surgico.

During investigation, it has been found that Rs.4.73 lacs had been transferred into the savings account of the petitioner herein. Avnish Kumar had been arrested and in the disclosure statement, he has admitted the involvement of the petitioner by using the forged bill books of UP Surgico. The anticipatory bail application of Sanjay Kumar has already been rejected by this Court and he has surrendered.

The submission of learned counsel for the petitioner is that the other co-accused Rekha has been granted interim protection by this Court and her application is coming up on 03.05.2017.

Rekha stands on a completely different footing inasmuch, as, she claimed that she was not working with the complainant and the salary payable to her husband was being split up by the employer for tax purposes. It is for this reason further investigation has been called for and the matter is adjourned to 03.05.2017 while granting interim protection to Rekha.

However, in the case of the petitioner, the petitioner is the recipient of a large amount of Rs.4.73 lacs in his account from the embezzled amount. In these circumstances, I am not inclined to grant any relief to the petitioner. Dismissed.

VIPIN SANGHI, J

FEBRUARY 08, 2017

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