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

+ **BAIL APPLN. 890/2017**

SUBHASH AGARWAL

..... Petitioner

Through: **Mr.Tanveer Ahmed Mir, Adv.**

versus

STATE OF NCT DELHI

..... Respondent

Through: **Mr.Ashish Dutta, APP.
Mr.Manoj Ohri, Sr.Adv. with
Mr.Neeraj Grover, Mr.Baban Kumar
Sharma, Ms.Ragini Anand and
Ms.Mehak Nakra, Advs. for the
complainant.
SI Aditya, P.S.Rajouri Garden.**

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **19.05.2017**

The petitioner seeks bail, in anticipation of arrest, in connection with FIR No.600/2016 dated 09.06.2016 (P.S.Rajouri Garden) instituted for the offences under Sections 379/420/468/471 and 120B IPC.

The petitioner along with other accused persons is alleged to have misused the blank letter heads of M/s.Coral Products Pvt. Ltd, which were lying unattended in the office of the company for obtaining benefits to him and disadvantage to the complainant company.

The anticipatory bail of one of the co-accused viz. Kailash Agarwal with similar allegations has been rejected by a bench of this Court on

03.02.2017. The SLP (Crl.) No.1371/2017 against the aforesaid order has also been dismissed and Kailash Agarwal has been directed to surrender and move an application for regular bail before the concerned Court with at least one day advance notice to the public prosecutor. The Trial Court also has been directed by the Supreme Court to consider and decide the application for bail as far as possible on the same day, having regard to the contentions raised by Mr.Kailash Agarwal.

Learned counsel for the petitioner has taken this Court to the entire gamut of allegation and the defence and suggests that it is a civil dispute which has been given a different colour. There is no necessity, it has been argued, of any custodial interrogation and the petitioner is ready to give his handwriting and signature samples for it to be compared and found out whether he was behind the forging of the letter heads which were used for the advantage of the accused persons and simultaneously to the disadvantage and detriment of the complainant company.

However, since the prayer for anticipatory arrest of a co-accused with similar allegation has been rejected by this Court and which order has been sustained by the Supreme Court of India, this Court is not inclined to accord the privilege of anticipatory bail to the petitioner.

This Court has been informed that Kailash Agarwal, a co-accused, has been granted regular bail by the Court below.

The petitioner is, also, therefore, directed to approach the concerned Court with at least two days advance notice to the Public Prosecutor. The Trial Court, shall look into the merits of the case including the fact that the co-accused with similar allegation has been granted bail and that petitioner is ready to participate and cooperate with the investigation, and shall decide

the bail application, preferably on the same day.

With these observations, the application is dismissed.

ASHUTOSH KUMAR, J

MAY 19, 2017

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