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

+ **BAIL APPLN. 2370/2016**

SANJAY KUMAR

..... Petitioner

Through: Mr. Hemant Chaudhary, Advocate

versus

THE STATE

..... Respondent

Through: SI Yashpal Singh, PS-Geeta Colony,
for the State.

Mr. Jaswant Aggarwal, Advocate for
the complainant.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

19.01.2017

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The petitioner has preferred the present bail application to seek anticipatory bail apprehending arrest in case FIR No. 375/2016 under Sections 381/408/34 IPC registered at PS Geeta Colony, on 20.10.2016.

The case against the accused persons is that they had misappropriated and embezzled about Rs. 61 lacs of the complainant. The petitioner accused, his wife Rekha and brother Tek Chand allegedly hatched a conspiracy and defrauded the complainant of the aforesaid amount by stealing stocks and cash of about Rs. 26 lacs through the company's account. They also misappropriated Rs. 35 lacs which was cash receivables

from other parties. The status report disclosed that the petitioner appears to be the main 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 moneys were received by Avnish Kumar in his concern UP Surgico. Once the moneys were received, the petitioner is alleged to have taken cheques of the received payments from UP Surgico. It has been found during investigation that about Rs. 4,73,000/- has been transferred into the savings account of Tek Chand who is a co-accused and brother of the petitioner. Avnish Kumar has been arrested and in his disclosure statement, he has also admitted the involvement of the petitioner by using his company UP Surgico's bill books. The status report further points out that the petitioner is not co-operating in the investigation.

In view of the aforesaid, merely because the petitioner may have joined the investigation is not sufficient to grant him protection as there is a qualitative difference in the investigation that takes place when the accused is protected by an order of the Court against arrest and that which takes place while in police custody.

The petition is, accordingly, dismissed.

Dasti.

VIPIN SANGHI, J

JANUARY 19, 2017

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