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

+ **BAIL APPLN. 1634/2017**

SHRIDEEP CHATTERJEE

..... Petitioner

Through: **Mr.S.Chakraborty, Mr.Aditya Singh
& Mr.Suraj Kumar Singh, Advocates**

versus

STATE OF NCT OF DELHI

..... Respondent

Through: **Mr.Kewal Singh Ahuja, APP for the
State with SI Chandan Kumar, PS
Okhla Industrial Area.**

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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21.08.2017

CrI.M.A.No.13430/2017

1. Exemption allowed subject to all just exceptions.
2. Application is disposed of.

Bail Appln. No.1634/2017

1. The petitioner is seeking anticipatory bail in case FIR No.261/2017 under Section 420/406/34 IPC, Ps Okhla Industrial Area, Delhi.
2. Notice. Learned APP for the State accepts notice.
3. Mr.S.Chakraborty, Advocate for the petitioner has submitted that it was a civil dispute between the parties which has been converted into criminal proceedings after the DRT proceedings. It has also been submitted

that the petitioner had been joining investigation as and when required and it is only when the police officer visited the house of the petitioner that he filed an application seeking anticipatory bail which has been dismissed by the learned Addl. Sessions Judge and now this Court has been approached with the same prayer.

4. A detailed status report (running into nine pages) has been filed by the State which contains the gist of the complaint and the investigation carried on so far. Although in the status report, it is specifically mentioned that the petitioner joined the investigation till 20th May, 2017 but on that date he was given time to provide details of other documents which he was directed file on 22nd May, 2017. The petitioner asked for time to file the documents by 25th May, 2017. The petitioner did join the investigation on 25th May, 2017 and the details of the investigation carried on that date and the conduct of the petitioner thereafter, as given in the status report, reads as under:-

‘On 25.05.17, he again joined the investigation but there is contradiction between list of plant and machinery purchased by him and the plan and machinery given on superdari to him by the bank officials. He also supplied the salary voucher of Arshia Foods which is the firm of his wife Arpita Chatterji and it shows that the machinery of kedee Food and Bakery was used by the Arshia Food but no payment was received in the account of Kedee Food and bakery on top of that Mr.Shrideep Chatterji was taking salary of ₹20,000/- from Arshia Food. It also shows his intentionally cheated the complainant. He was directed to file detail of amount invested in the firm and the detail of plan and machinery. He told that he will supply the desired detail on 29.05.17. After that he filed application for anticipatory bail which was dismissed by the Hon'ble Court. Since then he is escaping from the investigation of the case. Proceeding U/s 82

& 83 Cr.P.C. has been initiated against him and next date of hearing is fixed for 25.08.2017. He is deliberately evading his arrest.'

5. Perusal of the order dated 29th June, 2017 whereby the wife of the petitioner was released on anticipatory bail by learned Addl. Sessions Judge reveals that she was not required for custodial interrogation, hence granted anticipatory bail.

6. So far as the petitioner is concerned, for the reasons detailed in the status report, he is required for custodial interrogation as despite being made to join the investigation on various dates detailed in the status report, after 25th May, 2017 he absconded and even proclamation has been issued against him.

7. In the case reported as ***Adri Dharan Das Vs. State of West Bengal*** 2005 III AD (SC) 73, the Apex Court has laid down the guidelines for release on anticipatory bail and in para 19 held as under :-

“19. Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance to maintain law and order in the locality. For these or other reasons, arrest may become inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well-defined and the jurisdictional scope of

interference by the Court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under Section 438 of the Code will amount to interfere in the investigation, which cannot, at any rate, be done under Section 438 of the Code.”

8. Taking into consideration the allegations made against the petitioner which requires his custodial interrogation, the prayer of the petitioner for his release on anticipatory bail is declined.

9. The application is dismissed.

PRATIBHA RANI, J.

AUGUST 21, 2017

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