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

\+ BAIL APPLN. 1830/2017

ARPIT HAMILTON ..... Petitioner

Through: Mr.Hanish Saharawat, Advocate

versus

GOVT OF NCT OF DELHI ..... Respondent

Through: Mr.Kewal Singh Ahuja, APP for the State with SI Virendra Kumar PS Roop Nagar

CORAM:
HON'BLE MS. JUSTICE PRATIBHA RANI

<u>O R D E R</u>

% **20.09.2017**

1. By way of this application filed under Section 439 Cr.P.C., the petitioner is seeking anticipatory bail in case FIR No. 332/2016, under Sections 420/467/468/471 IPC, registered at PS Roop Nagar, Delhi.

2. The above FIR was registered on the statement of the complainant Dr.Chander Prakash which is to the following effect:-

> *"25th Oct 2016 To, the SHO Roop Nagar Police Station Delhi-110007, Dear sir, Sub-account No.028300301970038 (CLSBO 1970038) I have received a phone call from my Corporation Bank, Kamla Nagar regarding a cheque no.072586 dated 24/10/2016 for ₹3,780,200/- presented which was not issued by me. On further examination it was found another cheque no. 072588 dated 21/10/2016 for ₹47,90,000/- was debited to my account on 21/10/2016 and no information was given to me by Bank. These cheques were fraud cheques and debited my account for ₹47,90,000/- and further attempting to withdraw ₹37,80,200/- by presenting another forged cheque, necessary criminal and legal action may be initiated immediately."*

3. Learned counsel for the petitioner has submitted that the petitioner had been in custody for almost 10 months. Main accused in the case are yet to be arrested. The petitioner visited Corporation Bank, Kamla Nagar on the request of one Yash, who was known to the petitioner and that he is neither the conspirator nor the beneficiary of the alleged amount being cheated and has also not prepared any document which can be termed as false and fabricated. The entire case of the prosecution is based on documentary evidence which cannot be tampered by the petitioner hence he may be released on bail.

4. Charge-sheet against the petitioner had been filed wherein it is stated that after registration of the FIR on the basis of complaint made by Dr.Chander Prakash the staff members of Corporation Bank, Kamla Nagar were instructed to inform the police as and when anybody approaches the bank for change of mobile number in respect of the account maintained by the complainant with the Corporation Bank.

5. On 26th October, 2016 i.e. just on the next day of registration of the above FIR on receipt of information from the Corporation Bank, Kamla Nagar the police reached the bank where the staff member Devender Singh, Single Window Operator of the bank produced the petitioner, Arpit Hamilton who approached him with a form of Chander Prakash in respect of the account No. 028300302970048 maintained by Chander Prakash for change of mobile No.8447278911.

6. The petitioner was arrested in this case. Charge-sheet against him has already been filed. So far as other persons involved in this incident are concerned, the investigation is on and they are yet to be arrested.

7. The petitioner is involved in a case of cheating and forgery. The case

FIR No. 332/2016, under Sections 420/467/468/471 IPC has been registered with PS Roop Nagar wherein it was reported that despite the original cheques being still available with the complainant, forged cheques were used for debiting his account and transferring the amount in another account. Thereafter the amount has been withdrawn from there.

8. It is true that the petitioner has been in custody for more than 10 months and the charge-sheet has been filed but that cannot be a ground to enlarge him on bail. The economic offences having deep rooted conspiracy causing huge loss to the individual or the nationalized bank need to be viewed seriously. While dismissing the bail application on 25th February, 2017 the learned ACMM has noted that the money of the complainant has been recouped by the bank of the complainant but cheated amount has not been recovered so far. The bank has recouped the money from the public funds. Such types of economic offences are preceded by the cool, calculated and deliberate design with an eye on personal gain. Hence merely because the petitioner has spent more than 10 months in jail or that co-accused have not been arrested, cannot be treated as a ground to enlarge the petitioner on bail.

9. The application is dismissed.

PRATIBHA RANI, J.

SEPTEMBER 20, 2017
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