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

Order reserved on 5th November, 2017
Order pronounced on 7th December, 2017

\+ **BAIL APPLN. 2285/2017**

RAVINDER KUMAR JATAV ..... Petitioner
Through: Mr. D. Rajeshwar Rao and Mr. Somdutt Kaushik, Advocates

versus

STATE OF NCT OF DELHI& ANR. ..... Respondents
Through: Mr. Mukesh Kumar, APP for State with SI Ashok, PS Amar Colony.
Mr. Deepak Kaushik and Mr. T. P. Singh, Advocates for complainant/ICICI Bank.

CORAM:
HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

1. By the present application filed under Section 438 of The Code of Criminal Procedure, 1973 (herein referred as Cr.P.C), the petitioner seeks **Anticipatory Bail** in case FIR No. 442/17 under Section 420/467/468/471/120B/34 of Indian Penal Code (herein referred to as **'IPC'**), registered at Police Station – Amar Colony, Delhi.

2. The case in hand was registered on the complaint of Mr. Pankaj Kamra, Branch Manager, ICICI Bank, Lajpat Nagar-4 Branch, New Delhi alleging that on 14.09.2017, an amount of Rs.1,54,39,500/- was transferred from the account of Shivbachan Prajapati, an NRI to account of Mohonlal Jhangid vide cheque No. 010453 which was never issued by Shivbachan Prajapati and the said cheque leaf is still in his possession; that the beneficiary had

further withdrawn the funds from different branches of the bank and also transferred the fund to another bank accounts of co-accused persons namely Mohan Lal Jangid and Bibhas Kumar Parida; that on reviewing the CCTV footage of a transaction, it was found that Bibhas Kumar Parida was accompanied by Sandeep Bhalla and Vineet Kumar Pandey; that co-accused Sandeep Bhall was arrested who disclosed that the petitioner had induced one Sandeep Bhalla to collect information pertaining to some NRI and the petitioner had deposited the fake cheque in the ICICI Bank of Hisar Branch for debiting Rs.1,54,39,500/- from the account of the customer.

3. Learned counsel for the petitioner contended that the petitioner has no role to play in the entire episode and has been falsely implicated in the present case merely on the disclosure statement of one of the accused, Sandeep Bhalla; that there is no allegation against the petitioner in the FIR; that the petitioner does not know Sandeep Bhalla and only knows Sanjay Bhargava whom the petitioner helped in availing loan on his car; that Sanjay Bhargava was supposed to pay the promised commission which is still unpaid, due to which he turned hostile and to get rid of the obligation, the accused has taken the name of the petitioner.

4. Learned APP for State opposed the bail application and contended that the petitioner is the main conspirator/mastermind of the entire fraud committed with the bank and is in possession of Rs.75,00,000/- cash, which is to be recovered and other accused in the case is yet to be arrested who is known to the petitioner unearth

the entire conspiracy; that the investigation is at the primary stage and custodial interrogation of the petitioner is required.

5. I have heard the learned counsel for the parties and perused the record.

6. Perusal of the record shows that during investigation co-accused Sandeep Bhalla and Vineet Kumar Pandey were arrested and they disclosed that petitioner asked Sandeep Bhalla to collect information about some NRI having an account in ICICI Bank and had induced him that he was in possession of a fraud cheque and had allured him to give him handsome amount. Co-accused Sandeep Bhalla further disclosed that co-accused Budhdev Bhenjjo provided him the account No. 000401202700 of Mohanlal Jhangid which he forwarded to the petitioner who transferred Rs.1,54,39,500/- to the said account from the account of Shivbachan Prajapati out of which Rs.90,10,000/- were withdrawn and Rs.64,00,000/- were transferred in other accounts, Rs.10,00,000/- were given to co-accused Sandeep Bhalla and Rs.5,00,000/- to co-accused Vineet Kumar Pandey and Rs.75,00,000/- to the petitioner.

7. Perusal of the record further shows that while praying for anticipatory bail before the Trial Court, the petitioner gave two addresses one of Hapur, UP and other at Delhi but he was not found at the given address. Efforts were made to contact him over phone and finally NBWs were issued against him.

8. Considering the entire facts and circumstances of the present case, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the present application is dismissed.

9. Observations made in the order shall have no bearings on the merits of the case.

SANGITA DHINGRA SEHGAL, J.

DECEMBER 07, 2017
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HIGH COURT OF DELHI
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