$~30

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

\+ BAIL APPLN. 496/2018

SHYAM LAL MITTAL ..... Petitioner

Through: Counsel for the petitioner.

versus

STATE (GOVT.OF NCT OF DELHI) ..... Respondent

Through: Mr. Ashish Dutta, APP for State.
Mr. Ravin Rao, Adv. for R-2.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

O R D E R

% **20.03.2018**

Status report along with the copy of FSL report has been filed on behalf of the State.

On behalf of the appellant it has been submitted that he has been incarcerated from 24.11.2015 to 10.06.2016 and thereafter he was incarcerated from 07.02.2017. It has been submitted on behalf of the applicant that the charge-sheet in the instant case has been filed and the supplementary charge-sheet has also been filed with the investigation in the matter having been completed and that no useful purpose would be served by incarceration of the appellant further. It has been submitted on behalf of the applicant that the applicant had suffered losses and thus was unable to abide by the terms of the settlement that had been entered into. It has also been submitted on behalf of the applicant that the applicant cannot be penalized before adjudication in the matter. On behalf of the State and on behalf of the complainant the application is vehemently opposed submitting to the effect that the applicant had entered into conspiracy with other traders and had not made the payment. As per the status report, the applicant has allegedly cheated 32 people and more than 8 crores of money has been misappropriated within a short span of time in the month of September & October, 2015 and no payments were made and post-dated cheques were also issued for the State Bank of Travancore account, which account was closed in May, 2015 and that the cheques were issued in the month of October, 2015 though the account had been closed in May, 2015.

As per the status report it has also been brought forth that during the course of investigation, it was found that money was also taken by the petitioner to purchase grams from the market and in return he issued cheques and hundi and no payment was done in relation thereto and that the specimen signatures of the petitioner were taken during the course of investigation, sent to the FSL in relation to the cheques, which have since been matched as per the FSL report dated 25.07.2016 submitted on the record. It has also been submitted on behalf of the State and as also brought forth through the submissions made on behalf of the applicant that despite the settlement agreement dated 09.06.2016 pursuant to which the applicant had been released on bail, the applicant failed to fulfil the terms of the settlement agreement and thus the bail was cancelled and he has been in custody since 07.02.2018. It has also been submitted through the status report that the applicant had been found involved in large scale cheating involving crores of rupees and in relation to the multiple complainants. On behalf of the complainant it is submitted that though the misappropria tion to the tune of Rs. 8 crores of money is stated, it is in fact misappropriation of Rs. 24 crores of money.

Without any observation on the merits or demerits of the case, taking into account the factum that the cheques were issued by the applicant allegedly in relation to an account of the State Bank of Travancore which was closed in May, 2015 in relation to cheques which were issued in October, 2015 that is much after the closing of the bank account coupled with the factum of the purchase of the grams stated to have been taken place within a short span of time i.e. September/October, 2015 and that no payment was done and as the status report indicates that the applicant's industry named Atul Food Indsutries was in fact in profit for the year 2015, there is no grounds for grant of bail, and the application is dismissed.

The applicant may seek redressal in terms of Section 436A Cr.PC, 1973 in accordance with law.

ANU MALHOTRA, J

MARCH 20, 2018
vm