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

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Judgment delivered on: 13.11.2018

+ BAIL APPLN. 358/2017

BANWARILALJI AGARWAL & ORS

..... Petitioners

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner :

Mr. Ashish Kumar Bhagat and Mr. Pranay
Sohini, Advs.

For the Respondent :

Ms. Kusum Dhalla, Addl. PP for the State
with SI Ajay Kumar, PS Rajouri Garden.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

13.11.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioners seek anticipatory bail in. FIR No.600/2016, under Section 379/420/468/471/120-B Indian Penal Code, 1860, Police Station Rajouri Garden. Subsequently, Section 467 IPC has been added.
2. During the pendency of the present application, petitioner No.1 has expired. Petitioners Nos.2 to 4 were granted interim protection by order dated 11.05.2017 subject to joining investigation.
3. The allegations in the FIR are that the complainant and the accused are related to each other. It is alleged that the accused initially entered into a

transaction with the complainant whereby the credit worthiness of the complainant's company were used for importing *inter-alia* crude palm oil which was being purchased by the companies owned by the accused on credit from the complainant and thereafter payments were made. It is alleged that initially the business was on a small scale. Subsequently as the trade progressed the volume of sales rose substantially and as on the date of the complaint, there was an exposure of 150 crores. It is contended by the complainant that the accused had even forged documents and letter heads to show the credit worthiness and subsequently have failed to pay.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated. He submits that the only role ascribed to the petitioners is that they are shareholders and directors in the companies and there was no allegation of their active involvement in any of the transactions. He further submits that it is pure and simple commercial dispute and the total volume of business done between the complainant and the companies of the accused is over Rs.700 crores and as per their accounts the entire amount already stands paid. He submits that so long as the business was fine there was no allegation of any criminality and a civil dispute has been given the colour of a criminal complaint.

5. Learned APP on instructions from the Investigating Officer confirms that initially the investigation was being carried out by the local police station and Petitioners did join investigation at Hyderabad as were required by the then Investigating Officer. Learned APP submits that the investigation is still continuing.

6. Learned counsel for the petitioners submits that the petitioners are

still willing to join investigation as and when they may be required by the Investigating Officer.

7. Without commenting on the merits of the case and keeping in view the fact that petitioners did join investigation and are willing to join investigation and cooperate with the Investigating Officer, I am of the view that petitioners have made out a case for grant of anticipatory bail.

8. Accordingly, it is directed that in the event of arrest, the arresting officer/IO/SHO shall release the petitioners on bail, on petitioners furnishing a bail bond in the sum of Rs. 25,000/- each with one surety each of the like amount to the satisfaction of the arresting officer/Investigating Officer/SHO concerned. Petitioners shall not do anything that may prejudice either the investigation or the prosecution witnesses. Petitioners shall continue to join the investigation as and when required by the IO.

9. Petition is disposed of in the above terms.

10. Order *Dasti* under signatures of the Court Master

NOVEMBER 13, 2018

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SANJEEV SACHDEVA, J