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

+ **BAIL APPLN. 669/2018**

KAMLESH NEGI

..... Petitioner

Represented by: Mr.Davinder Kumar, Adv.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Represented by: Mr.Sanjay Lao, ASC for State with
Ms.Meenakshi Chauhan, Adv.
ASI Ajay Kumar PS Nihal Vihar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

01.11.2018

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By the present petition, the petitioner seeks anticipatory bail in case of FIR No.720/2016 under sections 408/420/120B/34 IPC read with section 67 of Information Technology Act, 2000 registered at PS Nihal Vihar on the complaint of Vivek Garg, the partner of M/s A.V. Mediways LLP. The case of the complainant is that the complainant company was appointed as carrying and forwarding agent (C&F Agent) of M/s Lupin Limited Company. The petitioner was working with M/s Lupin Limited Company as Firm Manager and it is alleged that the petitioner along with Anil Sharma, proprietor of M/s Shivam Enterprises cheated the complainant for approximately ₹1,04,88,400/- only. The responsibility assigned to the petitioner was to enter invoices, cheque details and all other accounting

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details of the company along with Account Head Brijesh Kumar by using SAP software which was provided by the company for all accounting purpose. Further, SAP software could be used only by authorised persons having the login ID which is password protected and could be shared with limited employees of the company. Anil Sharma, the co-accused working as a medicine distributor used to purchase medicines from the complainant company. As per the norms M/s Lupin Limited company, due date of outstanding payment was 14 days. However, Kamlesh Negi, the petitioner herein in conspiracy with Anil Sharma did not deposit his cheques within due date as Anil Sharma did not have sufficient balance. The petitioner further merged the company's old bills with the new ones and the petitioner neither deposited these cheques in the banks nor in the company's account. These facts came to notice when the dues became more than one crore.

Considering the nature of allegations and that the outstanding amount of the complainant even with part payment having been done is of ₹40 lacs, this Court finds no ground to grant anticipatory bail to the petitioner.

Petition is, accordingly, dismissed.

MUKTA GUPTA, J.

NOVEMBER 01, 2018
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