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

% Judgment delivered on: 07.12.2018
+ BAIL APPLN. 1131/2018
DAYANAND Petitioner

versus

STATE Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Naresh Kumar Bansal, Advocate.

For the Respondent : Ms. Meenakshi Dahiya, APP for the State.
SI Ramesh, PS Mundka.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

07.12.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks anticipatory bail in FIR No.275/2017 under Section 408 IPC, Police Station Mundka.
2. The allegation against the petitioner is that he, being an employee of the complainant, was given a sum of Rs.2 lakhs for being deposited in a bank but he did not deposit the same and absconded to his village.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated and the subject FIR has been registered as

a counter-blast to the complaint filed by the petitioner. It is submitted that the petitioner, who was earlier employed with the brother of the complainant, left his employment and left the city on 03.07.2017 whereas the complaint alleges that, on 07.07.2017, cash of Rs. 2 lakhs was given to the petitioner for being deposited in the bank. He submits that there is nothing on record to show that any money was paid to the petitioner. He further submits that a complaint was lodged with the police on 09.09.2017 by the brother of the complainant at varanasi and the averments of the said complaint and the subject FIR are contradictory.

4. The petitioner was granted interim protection on 16.05.2018 subject to joining investigation.

5. Learned APP for the State, under instructions, submits that the petitioner had joined investigation. She submits that, till date, the complainant has not been able to furnish any proof of handing over of Rs.2 lakhs to the petitioner for being deposited in the bank except for the statements of some co-workers. She further submits that the complainant has not been able to explain as to why his brother had registered a separate complaint in Varanasi.

6. Without commenting on the merits of the case and keeping in view the totality of facts and circumstances and on perusal of the record, I am satisfied that the petitioner has made out a case for grant of anticipatory bail.

7. Accordingly, it is directed that in the event of arrest, the arresting officer/IO/SHO shall release the petitioner on bail on his furnishing a bail bond in the sum of Rs. 15,000/- with one surety of the like amount to the satisfaction of the arresting officer/Investigating Officer/SHO concerned. Petitioner shall not do anything which may prejudice the investigation, trial or the prosecution witnesses. The petitioner shall join the investigation as and when so required by the Investigation Officer.

8. The petition is disposed of in the above terms.

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

DECEMBER 07, 2018
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SANJEEV SACHDEVA, J