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

\+ BAIL APPLN. 1447/2018

VASDEV ..... Petitioner

Through: Mr.Kaushal Yadav, Adv.

versus

STATE NCT OF DELHI ..... Respondent

Through: Ms. Aashaa Tiwari, APP for State with Insp. Puran Chand, EOW.

Ms. Inderjeet Sidhu, Adv. for Complainant.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

O R D E R

% 12.07.2018

Learned counsel for the petitioner submits that petitioner is a farmer. He is an innocent person and has been unnecessarily implicated in this case. Petitioner's account was misused by co-accused Uday Singh, who happens to be his son-in-law. Rs.8.5 lacs was transferred in his account without his knowledge. He withdrew the amounts from time to time. Petitioner is ready to deposit the amount. Petitioner has joined the investigation. Petitioner may be granted anticipatory bail. Reliance has been placed on **Siddharam Satlingappa Mhetre vs. State of Maharashtra & Ors., (2011) 1 SCC 694**. Learned counsel for the petitioner further submits that co-accused Rajesh Kumar and Ravinder Kumar in whose accounts huge amounts (more than

Rs.25 lacs) were deposited have already been granted anticipatory bail.

Learned APP, who is assisted by the learned counsel for complainant has vehemently opposed the grant of anticipatory bail to petitioner. It is submitted that FIR was registered on the complaint of Mr.Randhir Kumar, Asst. Provident Fund Commissioner, National Data Centre (EPFO). A software was developed by the department for releasing online PF to the employees. Co-accused Uday Singh and Devender Chaudhary were assigned the role of developing the software. They inserted the names of fictitious persons, who were not even employees, in the system. They in connivance with co-accused transferred about ₹13 crores in such accounts. Petitioner was one of such account holder in whose account Rs.8.5 lacs was transferred. It is submitted that petitioner’s complicity is writ large, since amounts were withdrawn on daily basis and utilised. During the investigation, petitioner did co-operate in investigation. He stated that he does not know as to how the amount came in his account and who transferred the amount. This plea is falsified from the fact that the entire amount of Rs.8.5 lacs was withdrawn on daily basis. This shows his complicity. Custodial interrogation is required to unearth whole conspiracy.

Keeping in view the facts and circumstances of this case, more particularly the facts that petitioner's name is in the list of fictitious employees, deposit of amount and its withdrawal on daily basis and the enormity of siphoned amount, I am of the view that custodial interrogation would be required.

Accordingly, anticipatory bail application is dismissed.

A.K. PATHAK, J.

JULY 12, 2018
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