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

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Judgment delivered on: 09.08.2018

+ BAIL APPLN. 1626/2018

AMOD KUMAR

..... Petitioner

versus

STATE (NCT) OF DELHI

..... Respondent

Advocates who appeared in this case:

For the Petitioner :

Mr. B.S. Chaudhary, Advocate.

For the Respondent:

Mr. Raghuvender Verma, APP for the State.

SI S.K. Gupta, Spl. Staff North

Mr. Rajesh Chhetri and Ms.

Meenakshi Rawal with complainant in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

09.08.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks anticipatory bail in FIR No.117/2018 under Sections 406/34 IPC, Police Station Lahori Gate.

2. The allegations against the petitioner are that the petitioner was the cashier and in charge of the cash of the complainant as an employee. It is alleged that, on 21.04.2018, the petitioner stole cash amounting to Rs.35 lakhs from the shop of the complainant and left

Delhi and went to his home town in Uttar Pradesh.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated as there is nothing to show that the petitioner was in charge of the cash and stole Rs.35 lakhs from the shop of the complainant.

4. Learned APP for the State submits that the investigation has revealed that the complainant was in charge of the cash of the Company dealing in dry fruits business and the daily collection of cash was several lakhs of rupees. The Investigation has further revealed that substantial amount of cash was collected in the month of April. As per the Investigation, the complainant was hospitalised. He was admitted in Medanta Hospital on 19.04.2018 and discharged on 25.04.2018. On 21.04.2018, the fateful day, as per the complainant, the petitioner was in charge of the cash collected. He handed over the keys to one employee Shailender and got the cash counted which was only Rs.12 lakhs. Shailender duly reported to the complainant that only Rs.12 lakhs were available. Subsequently, it transpired that Rs.35 lakhs were missing, consequent to which, the complaint was lodged.

5. Learned APP for the State submits that custodial interrogation of the petitioner is necessary in the facts and circumstances of the case to ascertain the whereabouts of the cash and to recover the same.

6. Learned APP for the State further submits that notice to the petitioner to join investigation could not be issued as his whereabouts are not known and he was not even traceable either at Delhi or at his native place in Uttar Pradesh.

7. Keeping in view of the averments as well as the record, without commenting upon the merits of the case, I am of the view that the request of the learned APP for the State for custodial interrogation of the petitioner, in the facts of the present case, is not unjustified.

8. In view of the above, I am not inclined to grant anticipatory bail to the petitioner.

9. The petition is, accordingly, dismissed.

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

AUGUST 09, 2018
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SANJEEV SACHDEVA, J