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

\+ BAIL APPLN. 1874/2018

KRISHANA JAISWAL ..... Petitioner

Represented by: Mr. Samrendra Kumar and Mr. Vivek Kumar Srivastava, Advocates.

versus

STATE (GOVT OF NCT OF DELHI) ..... Respondent

Represented by: Ms. Rajni Gupta, APP with SI Naveen Kumar, PS Malviya Nagar. Mohd. Shahzad, Advocate for the complainant.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

<u>O R D E R</u>

% **11.12.2018**

By this petition, the petitioner seeks anticipatory bail in case FIR No. 254/2017 under Section 420 IPC registered at PS Malviya Nagar.

The above noted FIR was registered on the complaint of one Mohd. Najamul Haque who alleged that he along with his friend Kuldeep Patwal and Krishna Jaiswal, i.e. the petitioner here in, started a company under the name and style of M/s Human Micro Systems. In May, 2015 the partner Kuldeep Patwal retired from the firm and thus he and Krishna Jaiswal continued to run the company. As per the partnership deed executed it was mandatory to take permission/consent for any transaction of funds from the company’s account except some petty expenses, however the petitioner without the consent of the complainant transferred funds of the company.

During investigation it has been found that vide the partnership deed dated 1st September, 2013 the three partners, namely, Mohd. Najamul Haque, the complainant, Kuldeep Patwal and the petitioner had equally contributed the money and were equal share holders of the profit and loss of the firm.

Statements from various bank accounts has also been taken and it was found that ₹17 lakhs as alleged was not transferred from firm's Yes Bank account to the account of the petitioner between March and April, 2016, however, a sum of ₹48,15,355/- was transferred from the firm's current account to the petitioner's account between 12th March, 2014 to 15th March, 2016. During the course of investigation petitioner revealed that out of the sum of ₹48,15,355/- a sum of ₹13,96,890 was transferred from his saving account to the firm's current account between 11th December, 2013 to 19th November, 2015 and the balance amount of ₹30,49,953/- was spent on company's expenses between 2nd January, 2014 to 12th March, 2016.

On analysis of the complainant's account it was found that ₹17,36,305/- (including salary) had been transferred from the company's current account to the complainant's bank account and ₹10,71,800/- (including salary) was transferred from the petitioner's saving account to the complainant's bank account between 3rd October, 2013 to 1st March, 2016.

Considering the nature of dispute between the parties and the fact that the entire evidence is primarily documentary in nature, this Court deems it fit to grant anticipatory bail to the petitioner.

It is, therefore, directed that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety bond of the like amount, subject to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that the petitioner will join the investigation as and when directed by the Investigating Officer and in case of change of residential address the same will be intimated to the Court concerned by way of an affidavit.

Petition is disposed of.

Order dasti.

MUKTA GUPTA, J.

DECEMBER 11, 2018
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