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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 2201/2018

RAMKISHAN

..... Petitioner

Through Mr. Raghav Goel, Advocate

versus

STATE (GOVT. OF NCT, DELHI)

..... Respondent

Through Mr. Rajat Katyal, APP for the State

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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25.10.2018

The petitioner seeks bail. He is an accused in FIR No. 265/2017 registered under sections 302/392/412/120B/34 IPC at Police Station Mundka, New Delhi. The learned counsel for the petitioner states that the only offence in which he has been prosecuted is that he was utilizing the proceeds of crime in the presence of his employer and the work being discharged by him was in the course of employment. It is the petitioner's case that he had no knowledge that the said material was illegally obtained by his employer.

2. It is the case of the petitioner there is a discrepancy in the prosecution's case insofar as the petitioner first is stated to be the Manager at M/s Kamboj Polymer Pvt. Ltd. and in the same disclosure statement, he is stated to be a Supervisor. The latter indeed is the true position.

3. The Supervisor had no managerial role and could not have been part of any illegal transaction of goods coming into the company. His

role could at best be a one implementing instructions of the owner or manager. He would not have any control over the ingress or egress of any material into the company premises.

4. The petitioner has no criminal antecedents. The employer under whom the petitioner was working has already been granted interim bail.

5. In the aforesaid circumstances, the petitioner is enlarged on bail on his furnishing a personal bond in the sum of Rs.15,000/- with two sureties of the like amount to the satisfaction of the Trial Court concerned, subject to the following conditions:-

(i) the petitioner will regularly appear on each and every date of hearing to be fixed by the Trial Court concerned;

(ii) the petitioner will not try to influence, contact or meet the complainant and prosecution witnesses in any manner;

(iii) the petitioner will not leave the country without prior permission of the Court and the passport, if any, shall be deposited with the Trial Court concerned; and

(iv) in case of change of his new address or contact number, the petitioner will promptly intimate to the SHO/IO of the case and intimate the Trial Court.

6. The petition stands disposed-off in the above terms.

7. Nothing stated in this order shall be deemed to be an adjudication on the merits of the case.

8. The Registry is directed to send a copy of this order to the Jail Superintendent, concerned for compliance. Additionally, a copy of

the same shall also be delivered upon the Jail Superintendent through the police.

9. A copy of this order be given *dasti* to the learned counsel for the parties under the signature of the Court Master.

NAJMI WAZIRI, J

OCTOBER 25, 2018
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