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

+ BAIL APPLN. 2244/2018 and CrI. M.A. 32889/2018

BHARAT K BHRAMAR

..... Petitioner

Through: Mr. Sanjay Kumar and Mr. Vinay
Kumar Dubey, Advocates

versus

STATE

..... Respondent

Through: Mr. Amit Ahlawat, APP for the State
with SI Avdhesh Dixit
Mr. Kuldeep H. Khan, Advocate for the
complainant

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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25.09.2018

The FIR no.488/2018 was registered by police station Saket on 06.08.2018 on the complaint of Sahil Guleria for investigation into offence allegedly committed under Section 406 of the Indian Penal Code, 1860. The background facts, briefly noted, are that the complainant was working with another entity with decent perks when he was allegedly allured by the accused to join his company as Regional Sales Manager on promised salary of Rs.3.5 Lakhs per month. The complainant alleges that he had rendered certain services including by organising some event in Vietnam at personal costs. The basic grouse is that the petitioner, described as the employer, had

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failed to pay the remuneration, which was settled, the dues amounting to Rs.14 Lakhs. It is also alleged that two cheques, each of Rs.1 Lakh, were handed over in October and November 2017 but the same upon being presented at the bank were returned unpaid.

On being asked, the counsel for the complainant, who is also present, submitted that the prosecution under Section 138 of the Negotiable Instruments Act, 1881 has been initiated and the court of the Magistrate has already taken cognizance and issued the process against the petitioner. His further grievance is that the petitioner has not been appearing in those proceedings.

Be that as it may, the complainant in the present FIR alleges breach of trust on account of non-payment of the dues. In the facts and circumstances of the case, the dispute primarily has the flavour of a civil dispute in which context investigation is pending. In this fact-situation, the petitioner is entitled to protection. Thus, it is directed that in the event of the petitioner being arrested, he shall be released on bail by the arresting officer on furnishing personal bond in the sum of Rs.20,000/- with one surety in the like amount subject to the following further conditions:-

- (i) The petitioner shall continue cooperating with the investigation and join the same as and when called upon to do so;
- (ii) The petitioner shall not come in contact with or try to influence any of the witnesses connected to the case;
- (iii) Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of

the surety to the investigating officer;

(iv) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

This order will inure only till the date of first appearance of the petitioner in the event of a charge-sheet being filed on conclusion of the investigation and process being issued against him by the court of cognizance.

The petition and the application filed therewith stand disposed of in above terms.

Dasti under the signatures of the Court Master.

R.K.GAUBA, J

SEPTEMBER 25, 2018

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