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

% Judgment delivered on: 17.12.2018

\+ BAIL APPLN. 2536/2018

SIRAJ SHOKAT ALI ATTAR ..... Petitioner

versus

STATE NCT OF DELHI ..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr.M.M.Singh with Mr.Babar Ali, Advs.

For the Respondent : Mr. Hirein Sharma, Addl. PP for the State with SI Rakesh Kumar, P.S.Crime Branch.
Mr.Moni Cinmoy and Mr.Ajay Tiwari, Advs. for the complainant.

CORAM:-
HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT
17.12.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No. 68/2017 under Section 420/120B of the Indian Penal Code, 1860, Police Station Crime Branch.

2. Allegations are that complainant wanted to purchase some special kind of seeds for which purpose the complainant was approached by one Anita Sharma, co-accused. Complainant is alleged

to have transferred Rs.11,83,900/- as advance for the purchase of the said seeds.

3. It is contended that Anita Sharma represented that since she was working in a Pharmaceutical company, it would not be possible for her to receive the advance amount in her own name. Accordingly, the amount was deposited in the account of the petitioner. Subsequently, out of Rs.11,83,900/-, Rs.11,08,000/- was transferred into the account of a company by the name of Fino Fintech Ltd (now known as Fino Payment Bank).

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated. He submits that the said company Fino Fintech Ltd has already assured the IO that they shall maintain a minimum balance of Rs.11,08,000/-.

5. Learned APP submits that petitioner was also working as an agent for Fino Fintech Ltd and receiving cash from its sub-agents which was to be deposited into the account of Fino Fintech Ltd. Learned APP submits that the investigation has revealed that the cash which was received from the sub-agents was appropriated by the petitioner to his own use and the money which was received from the complainant was deposited into the account of Fino Fintech Ltd. He submits that in fact petitioner has retained the said amount of Rs.11,83,900/-.

6. Learned counsel for the petitioner submits that as per the allegations there are 6 accused and 4 of the accused have already been admitted to bail and one is absconding. He submits that without prejudice he is willing to deposit a sum of Rs.3,00,000/- as security.

7. Petitioner has been in custody since 27.07.2017. Investigation is complete and charge sheet has already been filed.

8. Upon petitioner furnishing a bail bond in the sum of Rs.25,000/- with one surety of the like amount and depositing an amount of Rs.3,00,000/- with the Trial Court, petitioner shall be released on bail, if not required in any other case. The petitioner shall not do anything which may prejudice the trial or the prosecution witnesses.

9. Upon deposit of the said amount of Rs.3,00,000/- , the Trial Court shall not disburse the amount and shall deposit the same in a Fixed Deposit to await the outcome of the trial.

10. Petition is disposed of in the above terms.

11. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

DECEMBER 17, 2018
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