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

+ **BAIL APPLN. 2494/2018 & CrI.M.A.34740/2018**

VIJAY KUMAR GROVER

..... Petitioner

Represented by: Mr.Neeraj Grover, Adv. with
Mr.Anmol Chadha, Ms.Anushka
Arora & Ms.Ritika Grover, Advs.

versus

STATE

..... Respondent

Represented by: Mr.Sanjay Lao, ASC for State with
Ms.Meenakshi Chauhan, Adv.
Insp.Ramesh Kumar Singh Sec-
V/EOW Mandir Marg.
Mr.A.P. Dubey, Adv. for complainant
with Mr.Rakesh Agrawal, AR.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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01.11.2018

1. By the present petition, the petitioner seeks anticipatory bail in case of FIR No.165/2016 under Sections 409/420/120B IPC registered at PS Economic Offences Wing.

2. Contention of learned counsel for the petitioner is that the petitioner had resigned before the FIR in question was registered and the petitioner himself gave a complaint of bungling in the accounts of the company as accounts were not handled in a proper manner at the instance of the promoter directors of the company namely M/s ABW Infrastructure Ltd. He

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further states that being a salaried director, the status of the petitioner in the company was nothing more than an employee and the work he carried out was at the instance of the owners of the company i.e. Atul Bansal, his family members. Learned counsel for the petitioner further states that even as per the FIR, no role has been assigned to the petitioner and petitioner prima facie being an employee of the promoter directors of the company, cannot be fasten with the liability.

3. Status report has been filed by the State indicating that the above noted FIR was registered at the Economic Offences Wing, Delhi on the complaint of Ms.Amrita Nakai and 9 others. In the said complaint, it is stated that M/s ABW Infrastructure Ltd. through its Managing Directors induced them by way of false representations to make investment against the bookings of units in the upcoming two commercial projects namely ABW Gateway Tower, IT Park at village Anangpur, Distt. Faridabad and Business Bay Tower, village Kherki, NH-8, Gurgaon, Haryana. The units were to be handed over by April, 2014 at Faridabad and an assured return was also promised in respect of both the projects. However, the company failed to either give assured return or the units. As per the status report till date 142 complaints have been received which have already been clubbed in the above noted FIR and the statements of the witnesses are being recorded.

4. As per the statement of the witnesses, the petitioner as a director of the company lured the complainants/victims to invest money in the various projects which money was further siphoned to other group companies for purchasing lands.

5. Learned Additional Standing Counsel further submits that as per the statement of account of the company, sum of approximately ₹325 crores was collected from 998 investors.

6. Whether the status of the petitioner as a salaried director would not fasten him with the liability under Section 409 IPC is an issue which the petitioner would be at liberty raise at the stage of charge, if charge-sheet is filed against him, however, at this stage, it would be appropriate to note that in the complaints of 142 persons which are already received, the name of the petitioner figures prominently for luring the investors to invest their money in the projects pursuant whereafter neither the properties were given to the victims nor assured returns.

7. Thus, this Court, at this stage, finds no ground to grant anticipatory bail to the petitioner. It is, however, clarified that any observation made herein would not have any bearing on the merits of the case.

8. Petition and application are accordingly dismissed.

MUKTA GUPTA, J.

NOVEMBER 01, 2018
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