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

\+ BAIL APPLN. 2274/2017

SANTOSH KUMAR RAI ..... Petitioner

Through Mr. Manoj Ohri, Sr. Advocate with Mr. Virendra Rawat, Mr. Nawab Singh Jaqlan and Mr. Abhimanyu Singh, Advs.

Versus

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

Through Ms. Aashaa Tiwari, APP with Inspector Yogesh, P.S. Kalkaji Mr. Mohit Mathur, Sr. Advocate with Mr. N.S. Ahluwalia and Mr. Salil Seth, Advs. for complainant

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

O R D E R

% 14.08.2018

Learned Senior Counsel for the petitioner submits that petitioner is a former employee of complainant. Petitioner joined the complainant's company as Sales Manager in the year 2006. He was promoted as A.G.M. in 2007; he was further promoted as D.G.M. in 2015. Petitioner was looking after the affairs of complainant's company in Nepal. Right from 2007, petitioner had been raising the issues of irregularities being committed by the distributors of the company. Petitioner even resigned on 27th December, 2014 by writing a letter to Mr. Dipes De, Director of the complainant's company. Even in this letter, petitioner pointed out that rampant corruption was going on in the company, inasmuch as irregularities committed by the distributors were pointed out. The company acknowledged this letter vide email dated 27th December, 2014. Petitioner was persuaded not to leave the company. Accordingly, petitioner joined his duties again in Nepal on 15th January, 2015. Ultimately, petitioner resigned on 26th September, 2015. As an afterthought, in order to harass and victimize the petitioner, present FIR no. 415/2017 under Sections 66C/66D of the I.T. Act, 2000 has been lodged at P.S. Kalkaji by the complainant on 31st August, 2017 on frivolous grounds.

Learned APP, who is assisted by learned Senior Counsel for complainant, has contended that while working as Nepal Head petitioner had committed various illegalities and irregularities. During the years 2012-2015, petitioner had withdrawn about ₹20,00,000/- on different dates towards expenses by submitting false and fabricated bills. Petitioner also accepted bribes to the tune of ₹45 lacs from the distributors of complainant's company. Petitioner even hacked the email account of Shri Rakesh Kumar, Sri Lankan Head of the company and sent email to himself. Petitioner also sent emails to Mundi Pharma Pvt. Ltd. joint venture partner of complainant alleging therein that Mr. Dipes De and Mr. Devender Sharma of company had offered bribe to Nigeria Drug Authority to transfer 'betadin' in the brand name of Indian company.

Learned Senior Counsel for the complainant submits that Mr. Rakesh Kumar had also filed a complaint against the petitioner regarding hacking of his email account. Learned APP submits that no FIR has been registered by Mr. Rakesh Kumar against the petitioner. Only statement under Section 161 Cr.P.C. of Mr. Rakesh Kumar has been recorded.

Learned Senior Counsel for the petitioner, by placing reliance on a recorded transcript, has stated that one distributor of complainant had offered bribe to petitioner which he declined to accept. This shows that allegations of bribery levelled against the petitioner are false. Learned Senior Counsel further submits that in the letter dated 4th August, 2008 Shri S.K. Chopra of complainant's company has admitted about the irregularities committed by one of the distributors, namely, M/s. Shreejana Pharmaceuticals, of the complainant. In this letter, Shri S.K. Chopra has written that complainant's company was aware about the activities committed by M/s. Shreejana Pharmaceuticals. But at the same time petitioner was advised not to rake up such issues and focus on his job. Learned Senior Counsel submits that petitioner has already joined the investigation, inasmuch as has handed over his laptop and pen drive to Investigating Officer.

Keeping in mind the totality of facts and circumstances of this case, it is ordered that in case of arrest, petitioner be released on bail subject to his furnishing a personal bond in the sum of ₹50,000/-(Rupees Fifty Thousand Only) with one surety of the like amount to the satisfaction of the Investigating Officer/Arresting Officer/SHO concerned.

Bail application is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

AUGUST 14, 2018
r.bararia