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

\+ **BAIL APPLN. 2869/2018 & Crl. M.A. No.48889/2018**

RAJESH KHANNA ..... Petitioner

\+ **BAIL APPLN. 2870/2018 & Crl. M.A. No.48890/2018**

GIRIRAJ SINGH RAHAL ..... Petitioner

Versus

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

Through: Mr. Saket Sikri, Mr. Ajay Pal Singh and Mr. Vinod Diwakar, Advocates for Petitioners.

Mr. Tarang Srivastava, Additional Public Prosecutor for State with SI Murtuja Khan, P.S. EOW.

Dr. Sarbjit Sharma and Ms. Yamini Nijhawan, Advocates for Complainant.

**CORAM:**

**HON'BLE MR. JUSTICE NAJMI WAZIRI**

**ORDER**

**% 05.12.2018**

The petitioners seek bail. They have been behind bars for the last six months. They are alleged to have embezzled an amount of Rs.18.65 crores, received by their company viz. M/s Mother V. Impex Pvt. Ltd. from a company based in the Republic of Iran.

The money is stated to have been siphoned off or embezzled into various sister concerns, through an intricate web of bank transactions. The monies were transferred by the petitioners, who were the Authorized Signatory and the Director respectively. In view of the gravity of the offence alleged against the petitioners, the learned Trial Court has declined bail to them.

The learned counsel for the petitioners submits that the chargesheet has been filed. Hence, no purpose would be served in keeping the petitions pending.

The learned counsel for the State submits that further investigations are underway and a supplementary chargesheet is proposed to be filed in view of the further on-going investigations. Therefore, if the petitioners are released on bail, they may well interfere with or otherwise tamper with the evidence and investigations.

The learned counsel for the petitioners refers to the chargesheet, according to which, further investigations are envisaged only apropos other persons mentioned therein. It reads, *inter alia,* that:-

> " *It is pertinent to mention that in the whole deal, no cashew was ever supplied to Iranian complainant company. The whole money was diverted by the accused persons to different companies/firms/persons/entities. From the evidences collected during the investigation, it is quite clear that accused persons viz. Rajesh Khanna and Giriraj Singh were indulged in inducing the complainant company and received Rs. 18.64 Crores on pretext of export of 'cashew nuts'. But neither the 'cashew nuts' were exported nor was the money returned to complainant company. It is also evident that they diverted the cheated amount for his personal gain.*
>
> *On the basis of the findings of the investigation, there are sufficient evidences against accused persons viz. Rajesh Khanna, Giriraj Singh Rahal and accused company M/s Mother VImpex Pvt. Ltd. to constitute commission of offences U/s 120-B IPG as they were knowingly involved in the whole conspiracy to gain the trust of the complainant. Section 406/409 IPG is made out that accused persons have signed a contract with the complainant and worked as agents to supply dry fruits and the received money is used for personal gain except the agreement. Section 420 IPC is made out as after*

*receipt of huge money not a single kilogram of "cashew nut" is supplied and the complainant was cheated.*

*It is, therefore, prayed that cognizance of the aforesaid offences may kindly be taken against them and they may be tried in accordance with law. Investigation qua Odamparambat Puthan Veettil Prasanna Kumar @ O.P.V. Prasanna Kumar, Mrs. Madhu Khanna, Pardeep Thakur and Dharamvir Singh Gandas is in progress so they are placed at Column No. 12 of the chargesheet. The findings of the investigation qua these suspects shall be filed through supplementary chargesheet U/s ;73 (8) Cr.P.C. It is requested that witnesses may please be called and trial of the case may please be commenced upon."*

At this stage, it cannot be said that what would be revealed when investigation against Odamparambat Puthan Veettil Prasanna Kumar @ O.P.V. Prasanna Kumar is conducted. The petitioners are implicated in a web of financial transactions and further investigations could well unveil a yet deeper and more complex involvement of people.

The learned counsel for the petitioners submits that Rs. 11 crores or so have been returned to the party from whom Rs.18.65 crores have been received. However, this return of monies is stated to have been denied by the complainant. It will be open to the petitioners to pursue these aspects before the Trial Court.

In view of the above, no case is made out for grant of bail. Accordingly, the petitions, alongwith pending applications, stand dismissed.

**NAJMI WAZIRI, J.**

**DECEMBER 05, 2018**
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