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

% Judgment delivered on: 31.01.2019

\+ BAIL APPLN. 108/2019

MILAN UPADHYAY ..... Petitioner

versus

STATE ..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. D.N. Ray with Mr. Lokesh Choudhary and Mr. Dilip Kumar Nayak, Advocates.

For the Respondent: Mr. Hirein Sharma, APP for the State. SI Subhash Chand, PS Okhla Industrial Area.

CORAM:-
HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No.319/2018 under Section 408 IPC, Police Station Okhla Industrial Area. Petitioner has been in custody since 19.10.2018.

2. Subject FIR was registered on the complaint of an employee of SIS Cash Services Pvt. Ltd. Company, which is entrusted with replenishing cash in various ATMs of several banks.

3. The allegations in the FIR is that it was found that there was a shortfall of Rs.45 Lakhs over a period of 6 months, which was

reported by several banks, in the ATMs where money was loaded through their Company. It is alleged that two of the co-accused, who were entrusted with loading cash, are suspected to have siphoned off the money.

4. As per the case of the prosecution, the name of the petitioner, who is an ex-employee of the said Company, having worked there till 2017, surfaced in disclosure statement made by one of the co-accused. Further allegation is that the call detail record shows connection between the petitioner and one of the co-accused. Further, investigation has revealed that the petitioner has deposited money into the account of one of the co-accused and has paid money to the other co-accused.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated. He submits that there is no material to connect the petitioner with the subject offence. He submits that the investigation reveals that the alleged phone number through which the petitioner is stated to be in touch with one of the co-accused belongs to another co-accused and does not belong to the petitioner though it was stated that it was being used by the petitioner.

6. Further, it is contended that the allegations that the petitioner has paid money to one of the co-accused or deposited money into the account of the other co-accused, does not, in any manner, connect the petitioner with the subject offence and there is no evidence to show

that the petitioner had received any part of the siphoned fund.

7. Further, it is contended that the petitioner had left the services of the Company in the year 2017 and was thereafter not entrusted with any money for replenishing.

8. Without commenting on the merits of the case and keeping in view of the totality of the facts and circumstances of the case and on perusal of the record, I am satisfied that petitioner has made out a case for grant of regular bail. Accordingly, on petitioner furnishing a bail bond in the sum of Rs. 25,000/- with one surety of the like amount to the satisfaction of the Trial Court, petitioner shall be released on bail, if not required in any other case. Petitioner shall not do anything which may prejudice either the trial or the prosecution witnesses.

9. Petition is allowed in the above terms.

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

SANJEEV SACHDEVA, J

JANUARY 31, 2019
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