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

+ **BAIL APPLN. 207/2019**

PANDU MORIMISSETTY

..... Petitioner

Through: Mr M. Rais Farooqui, Mr R.A. Zaidi
and Mr Manoj Kumar, Advocates.

versus

STATE

..... Respondent

Through: Mr Amit Gupta, APP for State.
SI Vishal Tiwari, PS Hauz Khas.
Mr Vishal Raj Sehijpal, Advocate for
complainant.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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16.09.2019

CRL.M.(BAIL) 160/2019

1. The petitioner has filed the present petition, *inter alia*, praying that he be granted anticipatory bail in connection with FIR No. 214/2018 under Sections 420/409/34 of the Indian Penal Code, 1860, registered with PS Hauz Khas.

2. The allegation against the petitioner is that he had taken advance funds for supplying rice in terms of the Purchase Order dated 16.04.2018. Although in terms of the contract, the purchaser (also the complainant) was required to pay only 5% as advance for supplying 1000 metric tonnes of rice; the purchaser had paid a sum of ₹1,92,54,775/-. Admittedly, the said amount is sufficient to cover the full consideration of 750 metric tonnes of rice. However, according to the petitioner, he has supplied only 553 metric tonnes of rice.

3. The Whatsapp messages which have been shown by the petitioner indicate that the petitioner was unwilling to supply the balance amount until full payment for the remaining amount of 250 metric tonnes of rice was paid to him.

4. It does, *prima facie*, appear that the petitioner had persuaded the purchaser to part with the funds for purchase of rice without intention of complying with the same.

5. It is seen that before the Additional Sessions Judge, the learned counsel appearing for the petitioner had made a statement that the petitioner was agreeable to supply the remaining 197 metric tonnes of rice in terms of the purchase order before the next date of hearing, i.e. before 15.01.2019. However, it is seen that the petitioner has not complied with the statement made before the Court.

6. In view of the fact that the petitioner has not lived up to the statement made before the Additional Sessions Judge on 15.01.2019, this Court does not consider it apposite to entertain this petition.

7. Accordingly, the petition is dismissed.

VIBHU BAKHRU, J

SEPTEMBER 16, 2019
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