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

\+ BAIL APPLN. 271/2019

ARUN AGGARWAL ..... Petitioner

Through Mr. Manu Sharma and Mr. Abhir Datt, Advs.

versus

STATE ..... Respondent

Through Mr. Raghuvinder Verma, APP with Inspector Arun Verma, Special Cell
Mr. Viraj R. Datar, Mr. Rajesh Kumar Singh and Mr. Sagar Roy, Advs. for complainant

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

O R D E R

% **07.03.2019**

Learned counsel for the petitioner submits that investigations are over and charge-sheet has been filed. Petitioner is in custody for about 18 months. During the investigation, nothing could be traced out to show that even a single penny, out of the misappropriated amount, has been transferred to any of his accounts or that petitioner was found in possession of immovable properties beyond his income. Petitioner was working as Purchase Manager in a proprietorship firm, that is, Harmony Systems of the complainant, namely, Ms. Rashmi Kakkar. Petitioner was in fact himself duped by the co-accused. Only because petitioner's address has been shown on the letterheads/bills of S.S. International, petitioner has been roped in as a co-conspirator. As per the FSL reports already received, petitioner's signatures are not there on any alleged bogus bills.

Learned APP, who is assisted by learned counsel for the complainant, has opposed the grant of bail to petitioner. It is contended that petitioner conspired with co-accused Suryakant Sandibigraha, Jugal Kishore, Deepak Tyagi etc. and had misappropriated approximately ₹5 crores from the accounts of Harmony Systems and Décor 2000. It is submitted that Ms. Rashmi Kakkar is the sole proprietor of Harmony Systems and her husband is the sole proprietor of Décor 2000. Petitioner was employee of Harmony Systems. He was working as Purchase Manager, co-accused Suryakant Sandibirgraha was working as Chief Accountant and Jugal Kishore was working as Service Incharge. Petitioner is the mastermind in whole conspiracy pursuant whereof more than ₹5 crores were misappropriated.

Petitioner was managing the affairs of S.S. International and was actively associated with the said firm as his address is mentioned in the letterheads/bills etc. of the said firm. It is contended that offence alleged against the petitioner is serious in nature.

Learned counsel for the petitioner has relied on the charge-sheet to contend that no trail of any part of misappropriated amount had reached the petitioner. He has further placed reliance on the charge-sheet to contend that petitioner even did not acquire any property, which can be said to have been acquired from the embezzled amount.

Keeping in mind the totality of the facts and circumstances of this case, petitioner is admitted to bail, subject to his furnishing a personal bond in the sum of ₹50,000/- (Rupees Fifty Thousand Only) with one surety in the like amount to the satisfaction of the trial court.

Bail application is disposed of in the above terms. Dasti.

A.K. PATHAK, J.

MARCH 07, 2019
r.bararia