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

+ **BAIL APPLN. 298/2019 & CrI.M.A. 2672/2019**

AMIT KUMAR Petitioner

Through: **Mr. Banmali Shukla & Mr. A.K.
Mishar, Advs.**

versus

THE STATE Respondent

Through: **Mr. K.S. Ahuja, APP for the State
with SI Ali Akram, PS Rajinder
Nagar.**

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **05.02.2019**

The evidence gathered during the course of investigation into first information report (FIR) no. 187/2016 of police station Rajinder Nagar involving offences under Section 420 of Indian Penal Code, 1860 (IPC) points, prima facie, towards complicity on the part of the petitioner. The first informant and her husband are senior citizens, they had been approached by telephonic calls and made to part with money by RTGS transfer upon the pretext of facilitating them purchasing new life insurance policies, callers having identified themselves as representatives of IRDA. There is evidence to show, *inter alia*, that the first informant had transferred an amount of Rs. 1,52,000/- on 12.06.2015 into account no. 4511561654 held with Kotak Mahindra Bank. The evidence also shows that the said account had been opened in the name of MCT services, it having been

opened by the petitioner. The petitioner vaguely submits that he is a driver by profession and had no connection with the said transaction. On being asked, the counsel would not come with a clear explanation as to how the credit entry availed in the afore-mentioned account could be justified. On being further asked, the counsel was unable to explain as to why the petitioner who claims to be a driver had opened the account in the name and style as MCT Services, he seeking to dissociate himself from business of such firm.

The status report and the police file indicate that the petitioner has been evading joining investigation for more than a year and notices requiring his presence were served several times but he would not respond. It is also reported that on account of his non-cooperation and making himself elusive at the instance of the investigating agency, the metropolitan Magistrate had issued non-bailable warrant to compel his appearance and since the same did not bear fruit, proclamation under Section 82 Cr.P.C. has also been issued by order dated 04.02.2019.

In the above facts and circumstances, this Court agrees with the submission of the investigating agency that the case requires deeper probe possibly by custodial interrogation. No case for release on anticipatory bail is made out.

The petition and the application filed therewith are dismissed.

Dasti.

R.K.GAUBA, J

FEBRUARY 05, 2019

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