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

+ BAIL APPLN. 437/2019

SURANJAN KUMAR CHATTERJEE Petitioner

Represented by: Mr. Rahul Sharma, Advocate.

versus

THE NCT OF DELHI Respondent

Represented by: Ms. Rajni Gupta, APP for the State
with SI Subhash, PS Okhla Industrial
Area.

Mr. Ajit Upadhyay and Ms. Neha
Mishra, Advocates for complainant.

+ BAIL APPLN. 398/2019

ULLHAS VASANT PRADHAN Petitioner

Represented by: Mr. Rahul Sharma, Advocate.

versus

THE NCT OF DELHI Respondent

Represented by: Ms. Meenakshi Chauhan, APP with
SI Subhash, PS Okhla Industrial Area.

Mr. Ajit Upadhyay and Ms. Neha
Mishra, Advocates for complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

27.02.2019

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BAIL APPLN. 437/2019 and conn. matters

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1. By these two petitions, the petitioners seek anticipatory bail in case FIR No. 570/2016 under Sections 420/120B IPC registered at PS Okhla Industrial Area.

2. The allegations of the complainant in the FIR in question which was registered pursuant to direction under Section 156 (3) Cr.P.C. are that the accused placed seven purchase orders/work orders to the complainant company from 28th January, 2013 to 12th August, 2013 and the goods for the said purchase orders were delivered to the accused by the complainant vide the invoices. As per the terms and conditions of the purchase orders and the invoices the maximum granted period given to the accused for making the payment was 60 days. The accused raised no objection to the material supplied by the complainant within the stipulated period and duly accepted the same without any objection.

3. It is alleged that despite repeated request and reminders the accused with dishonest intention refused to make the payment of outstanding dues and as on 31st March, 2014 the total outstanding dues against the accused as per their own books of accounts was ₹1,12,81,482/-. It is stated that after reminders and on request the accused claimed that the outstanding dues will be cleared in four instalments of ₹22,00,000/- and one instalment of ₹24,81,000/-, however, despite the proposal was accepted only a part payment of ₹40,04,050/- was made and no further payments have been made.

4. Learned counsel for the petitioners submits that before filing of the Crl. Complaint under Section 156 (3) Cr.P.C. the complainant company filed company petition before High Court at Mumbai on 19th November,

2015 claiming that the total amount due and payable by the petitioners to the complainant company on 19th November, 2015 was ₹70,78,942/-. Complainant also relied upon the acknowledgment of the petitioners dated 21st July, 2015. It is thus evident that on the date when the complaint was made and as also noted in the FIR the amount due was 70,78,942/- and not 1,12,81,482/-. One of the co-accused was arrested by the police during the course of the investigation wherein a settlement was arrived at and pursuant to the settlement a sum of ₹35,00,000/- has admittedly been paid. Since balance amount as undertaken by the co-accused was not paid his application seeking cancellation of bail was allowed and bail of the co-accused Suranjan Kumar Chatterjee has been dismissed.

5. The two petitioners herein are also the directors of the said company. Considering the fact that part payments have already been made and that the allegations of the complainant in the FIR in question are that having supplied the goods, payments were not received which the petitioner claims to be essentially a civil dispute, this Court deems it fit to grant anticipatory bail to the petitioners.

6. It is, therefore, directed that in the event of arrest the petitioners be released on bail on their furnishing a personal bond in the sum of ₹25,000/- each with one surety bond each of the like amount, subject to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that the petitioners will not leave the country without prior permission of the Court concerned and in case of change of residential address the same will be intimated to the Court concerned by way of an affidavit.

7. Petitions are disposed of.
8. Order dasti.

MUKTA GUPTA, J.

FEBRUARY 27, 2019
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