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

+ **BAIL APPLN. 434/2019**

ALOKENDRANATH SANTIJIBAN GHOSH 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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1. By this petition, the petitioner seeks anticipatory bail in case FIR No. 570/2016 under Sections 420/120B IPC registered at PS Okhla Industrial Area.

2. The facts as stated in the petition itself notes that the petitioner was arrested by the police on 30th September, 2018 at Pune, a transit remand was taken and the petitioner was brought to Delhi where he was further remanded to custody. Learned Metropolitan Magistrate granted regular bail to the petitioner vide order dated 5th October, 2018 as a settlement was arrived at between authorised representative of the complainant and the petitioner, whose statements were also recorded separately. As per the settlement Suranjan Kumar Chatterjee was to pay a sum of ₹30,00,000/- by

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way of draft or NEFT to the complainant company on or before 11th October, 2018 and a further sum of ₹11,92,981/- each was to be paid in three instalments on 5th November, 2018, 5th December, 2018 and 5th January, 2019. On the complete payment being made the parties were to file a petition before the High Court seeking quashing of the FIR in question. The petitioner was released on bail. Though he made payment of ₹30,00,000/- on 11th October, 2018 but failed to pay the 3 instalments each which were to be paid on 5th November, 2018, 5th December, 2018 and 5th January, 2019. Thus, the complainant filed an application seeking cancellation of bail of the petitioner which was allowed vide order dated 25th January, 2019 by learned Metropolitan Magistrate challenging which the petitioner filed a petition before the learned ASJ which was also dismissed on 12th February, 2019.

3. Before this Court petitioner has sought anticipatory bail under Section 438 Cr.P.C. The petitioner having been already taken into custody in the above noted FIR and released on bail which has been cancelled later on for non-fulfilment of the condition imposed, the present petition seeking anticipatory bail is not maintainable.

4. Petition is dismissed.

MUKTA GUPTA, J.

FEBRUARY 27, 2019
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