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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1186/2019**
SANJAY KUMAR Petitioner

Through: Mr. A.K. Thakur, Advocate

versus

THE STATE (NCT OF DELHI) Respondent
Through: Mr.Panna Lal Sharma, APP
with SI Mukesh Kumar & HC
Ashok Kumar, PS:Vasant Kunj
(South), Delhi

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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05.07.2019

1. This is an application seeking anticipatory bail under Section 438 read with Section 482 of the Code of Civil Procedure, 1973 against the order dated 4.4.2019 passed by the Special Judge, NDPS, New Delhi.

2. The brief facts of the case are that, on 21.1.2019, an FIR was registered on the complaint of one Anoop Aggarwal, wherein, in his complaint, he stated that he runs a company in the name of M/s. M.K. Cargo, wherein, for the safety and security purposes, he hired security agency, namely, M/s VSA Security Services and they appointed a security guard, namely, Sanjay Kumar. It was further stated by the complainant in the complaint that said Sanjay Kumar had been working in his company for the last 7 years. The complainant further stated that the guard, Sanjay Kumar was doing night duty for 24 hours

from the last two weeks of the date of incident and the keys of the main door remained with the guard Sanjay Kumar, who used to open office in the morning.

3. On 21.1.2019, when the complainant reached his office, he found the main door of his office open and Sanjay Kumar was missing. After checking, the complainant found that all the drawers were break open and Rs.7,00,000/-(approx.) was missing. Further, the DVR of the CCTV cameras was also missing/stolen. The complainant tried to contact the guard, Sanjay Kumar and his wife, but their mobiles were switched off. Thereafter, a complaint was registered.

4. During the course of investigation, search for Sanjay Kumar was made, both at his rental accommodation as well as at his native place, but he could not be found and was absconding since the date of incident. As Sanjay Kumar was evading his arrest, NBW against him was obtained on 8.2.2019 from the Patiala House Courts, New Delhi.

5. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated since the complainant has to pay a substantial amount on account of backwages and P.F. to the petitioner, which the complainant does not want to pay. Learned counsel for the petitioner further submitted that just 1-2 months prior to the alleged incident, the mobile phone of the petitioner was damaged by his son who put it in a water bucket and since that time, the said mobile phone of the petitioner is not working and this was the reason that the complainant was

not able to contact the petitioner. Learned counsel for the petitioner also submitted that the petitioner is ready to join the investigation as well as to comply with any terms and conditions imposed by this Court, in case anticipatory bail is granted to the petitioner.

6. Learned APP submitted that the allegations against the petitioner are serious in nature and he has been absconding since the date of incident. Learned APP further submitted that even, the DVR of the CCTV cameras was also stolen and the address of the petitioner could not be verified. Learned APP also submitted that the custodial interrogation of the petitioner is required, in view of the facts of the present case.

7. In the present matter, after hearing both the parties and going through the documents, this Court is of the view that the contentions of the learned counsel for the petitioner that just 1-2 months prior to the alleged incident, the mobile phone of the petitioner was damaged by his son after putting it in a water bucket and since that time, the said mobile phone of the petitioner has not been working and this was the reason that the complainant was not able to contact with the petitioner totally seems to be an after-thought. The allegations against the petitioner are serious in nature that while working in the shop of the complainant, the petitioner stole an amount of Rs.7,00,000/- along with DVR of CCTV cameras and he has been absconding. The petitioner has neither joined the investigation nor has cooperated in the investigation. The custodial

interrogation of the petitioner is required for recovery of the alleged amount of Rs.7,00,000/- along with DVR of CCTV cameras.

8. In view of the aforesaid facts, I do not find any ground to grant anticipatory bail to the petitioner. The anticipatory bail application is, accordingly, dismissed.

CHANDER SHEKHAR, J

JULY 05, 2019

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