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

+ **BAIL APPLN. 1515/2019 & CRL.M.A. 12687/2019**

KAPIL MOHAN AGGARWAL

..... Petitioner

Through Mr K.C. Mittal, Ms Yugnesh Mittal,
Ms Ruchika Mittal, Advocates.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through Mr Tarang Srivastava, APP.

SI Pukhraj, P.S. Prashant Vihar.

Mr Mahavirf Sharma, Mr Kanwalpreet Singh,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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20.11.2019

1. The petitioner has filed the present petition, *inter alia*, praying for bail in FIR No. 583/2018 under Section 420/406 IPC, registered with Police Station Prashant Vihar, Delhi.
2. The said FIR was registered at the instance of Managing Director of NRI Vision Care Pvt. Ltd. He had stated that the petitioner had commenced business in the year 2009. At the material time, the Managing Director of complainant was carrying on business as a proprietorship firm under the name and style of NRI Vision Care. This court is informed that said firm was subsequently converted into a company (NRI Vision Private Ltd).
3. It is stated that in the said FIR that the complainant used to provide drugs and medicines to the petitioner (who was the proprietor of M/s Astha

Medicare). The petitioner in turn used to supply the drugs to various customers and remit the consideration to the complainant after deducting his commission. It is stated that the said business (initially with the sole proprietorship concern NRI Vision Care and subsequently, with the company NRI Vision Care Private Limited) continued smoothly till the year 2016. It is alleged that thereafter certain discrepancy was found in the stocks.

4. The allegation against the petitioner are twofold. First, that he had not remitted the consideration for the medicines sold by the petitioner and second, that he misappropriated the free drugs/products that were provided to the petitioner. It is stated that the free products were to be supplied free of costs to certain specified customers along with the medicines supplied, pursuant to their purchase order. However, the petitioner had not provided the benefit of the free supply scheme to the customers but had sold the said free products for his benefit.

5. The complainant has also alleged that he had supplied certain goods to the petitioner on the promise of an immediate payment, however, the said payment was not made.

6. It appears from the above that the disputes between the petitioner and the complainant are arising, essentially, out of their commercial transactions. The complainant has also stated that his loss on account of bad debts is to be borne by the petitioner. This also appears to be a contentious issue.

7. Admittedly, the petitioner has joined the investigation. The parties are also attempting to resolve the disputes amicably.

8. Considering the above, this Court considers it apposite to allow the present petition and grant bail to the petitioner on the same terms and conditions, as set out in the order dated 17.06.2019.

9. It is seen that the petitioner has already deposited a sum of ₹40,00,000/- with the Registry of this Court in terms of the order dated 17.06.2019. The disbursal of the said amount would be subject to any order that may be passed by any court.

10. The petition is disposed of.

VIBHU BAKHRU, J

NOVEMBER 20, 2019

pkv