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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on: 14th January, 2019

\+ BAIL APPLN. 2515/2018

THOMSON REDDY ..... Petitioner

Through: Mr. Joseph Aristotle S and Mrs. Priya Aristotle, Advocates

versus

STATE (NCT OF DELHI) ..... Respondent

Through: Mr. Kewal Singh Ahuja, APP for State

Mr. Gautam Dhanua and Mr. Rakesh Chehar, Advocates for the complainant

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. Allegations were made against the petitioner in the first information report (FIR) no.491/2018, registered by police station Prashant Vihar on 06.10.2018, by M/s. Gold Plus Glass Industry Ltd., a company in which the petitioner was employed during the relevant period as Purchase-Head. It is alleged that he indulged in certain acts of omission or commission mis-using his official position so as to cause wrongful loss to the employer company by way of cheating,

such loss, as per the initial calculations being on account of the company having been over billed to the extent of Rs.1 Crore in a certain contract for procurement of materials.

2. The petitioner apprehending arrest approached this court for anticipatory bail, his prime contention being that he was the lowest in hierarchy whereby the decision to place the purchase order was taken, his role being limited, there being no clause incorporated in the purchase order to take care of the price variation on which account the wrongful loss was being alleged.

3. While issuing notice to the respondent / State, this court by order dated 25.10.2018 had granted interim protection to the petitioner against coercive steps subject to the condition that he would join and cooperate with the investigation as and when called upon to do so. Though some submissions were made on 22.11.2018 that the petitioner was not forthcoming with the requisite information on his assurance for full cooperation from that said stage, the interim order was extended.

4. Further status report has been submitted today, it revealing that on account of certain further facts having been dug out, the scope of the investigation has since been expanded, the case now involving additional offences punishable under Sections 468, 471, 120 B IPC.

5. Going by the allegations set out in the FIR, as initially lodged, the petitioner as the Purchase-Head had recommended purchase order to be placed with an entity known as M/s. Exen Chem, even though

the bid quoted by it was highest, the lower quotations having been dishonestly ignored. The report of internal investigation conducted by the complainant company evinces an admission of the petitioner regarding an amount of Rs.38 Lakhs having been excessively granted in the said purchase order. The evidence gathered, as is now shown to the court, includes material reflecting that the petitioner and close members of his family have received certain credits in their bank accounts from suspect sources, this having a bearing on the prime act of cheating by award of the purchase order causing wrongful loss, which is now assessed to be to the tune of Rs.5.5 Crores. Aside from this, reference is also made to certain suspect transactions facilitated by the petitioner in the nature of credit entries in the accounts of Ranjan Kumar and Udit Mehra who were closely associated with the petitioner.

6. In the aforesaid facts and circumstances, it is hardly a case where this court should exercise the discretionary power to grant anticipatory bail. As submitted by the Additional Public Prosecutor, custodial interrogation would be required to unearth the contours of the criminal conspiracy as is suspected to be the root cause of the prime offence of cheating.

7. The petition is dismissed.

R.K.GAUBA, J.

JANUARY 14, 2019
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