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

\+ BAIL APPLN. 3098/2018

ANSHU RUSTAGI ..... Petitioner

Represented by: Mr.S.K.Mishra, Advocate

versus

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

Represented by: Mr.Ashok Kumar Garg, APP for the State

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

<u>O R D E R</u>

% **09.01.2019**

1. By this petition, the petitioner seeks anticipatory bail in case FIR No.92/2018 under Sections 420/34 IPC registered at PS Vivek Vihar.

2. The abovenoted FIR was registered pursuant to directions under Section 156(3) Cr.P.C. on a complaint filed by State Bank of Bikaner and Jaipur through its authorized representative against accused Naveen Kumar and his associates. The allegation in the complaint was that Naveen Kumar approached the complainant-bank for seeking car loan and after complying with all the codal formalities, the bank sanctioned a loan of ₹10 lakhs and issued a demand draft in favour of Kashyap Motors India Pvt. Ltd. for purchase of Fiat Linea Emotion on 17th September, 2015. After delivery of the car, Naveen Kumar neither paid instalments nor replied to the bank when it was revealed that the documents filed by Naveen Kumar were forged and fabricated. The role assigned to the petitioner is that the petitioner while

working as Financial Controller of the Company Canoro Resources Pvt. Ltd. certified that Naveen Kumar was working as Assistant Manager of the said concern though he was not working as such. It is also suggested that the petitioner connived with the main accused in preparing the forged and fabricated documents. The signatures of the petitioner has been taken and documents have been sent for verification to the FSL.

3. Case of the petitioner is that Canoro Resources Pvt. Ltd. is a big concern and based on the records available, the petitioner issued the certificates which were misutilized by Naveen Kumar. Learned counsel for the petitioner states that since Canoro Resources Pvt. Ltd. closed its business in India and stopped paying salaries to its employees, the petitioner also had to join another employment.

4. Considering the fact that the petitioner is not the main accused who took the loan and misappropriated the same, the role assigned to the petitioner being that he issued certificates which the petitioner claims to be based on records, this Court deems it fit to grant anticipatory bail to the petitioner. It is, therefore, directed that in the event of arrest, the petitioner be released on anticipatory bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety bond of the like amount to the satisfaction of the Arresting Officer/SHO concerned further subject to the condition that the petitioner will join the investigation as and when directed by the Investigating Officer and in case of change of address will intimate the same to the learned Trial Court further subject to the condition that the petitioner will not leave the country without the prior permission of the Court concerned.

5. Petition is disposed of.

6. Order dasti.

MUKTA GUPTA, J.

JANUARY 09, 2019
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