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

+ **BAIL APPLN. 476/2020**

ARUN NANDA

..... Petitioner

Through: Dr. Sarbjit Sharma and Ms. Swati
Yadav, Advocates.

versus

STATE

..... Respondent

Through: Dr. M.P. Singh, APP for State with SI
Narendra Kumar, P.S. Malviya
Nagar.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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24.02.2020

1. The present bail application has been filed seeking anticipatory bail in FIR No.17/2018, registered under Sections 420/468/471/34 IPC at Police Station Malviya Nagar.

2. Learned counsel for the applicant submits that the applicant is falsely implicated in the present case. He submits that the applicant was not the Director of the company at the relevant time. It was further submitted that in the present case, the mistake occurred at the instance of United Bank of Pakistan which did not send the documents to Meshreq Bank, as the rejection of documents was directly forwarded to Bank of Baroda. As the Meshreq Bank never came to know about the rejection of documents, the payment of US\$ 202650/- was released from Meshreq Bank to Bank of Baroda.

3. A status report has been filed on behalf of the State. Learned APP for

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the State submits that the present case relates to an order for supply of *Lead Ingots* by the accused company to M/s. Exide, Pakistan. A letter of credit was issued by United Bank Ltd., Pakistan in favour of M/s. BMP Metal Pvt. Ltd. The payment was to be released on showing the original bill of lading and other documents. The accused company engaged M/s. Globelink WW India Pvt. Ltd. for the shipment of goods. During investigation, statement of one Eric Rajan of Globe Link WW India Pvt. Ltd. was recorded wherein it was stated that the bill of lading was not issued by them and the stamp on the same is also not of the company. It was stated that a stamp is put only when the goods are shipped. As per the status report, although empty containers to load the goods were taken, however, the loaded containers were never handed over by the accused company to M/s. Globelink WW India Pvt. Ltd. A perusal of the complaint shows that at the time of meeting and subsequently, the applicant along with his son actively participated in the discussions and represented themselves as Directors of the accused company.

4. Learned counsel for the applicant has not denied the receipt of money in their bank account.

5. In view of the totality of the facts and circumstances, I do not deem it fit to be admit the applicant on anticipatory bail. The application is accordingly dismissed.

MANOJ KUMAR OHRI, J

FEBRUARY 24, 2020
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