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

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Date of Decision: 12.03.2020

+ **Bail Appl. No. 696/2020 & CRL M.A.5339/2020**

RISHAB KAPOOR

..... Petitioner

Through: Mr. Yudhishtar Kahol and
Kunal Kahol, Advocate.

versus

THE STATE OF NCT OF DELHI Respondent

Through: Mr. Tarang Srivastava, Ld.
APP for the state with SI
Somvir Singh PS: Alipur.

AND

+ **Bail Appl. No. 701/2020 & CRL M.A.5345/2020**

RISHAB KAPOOR

..... Petitioner

Through: Mr. Yudhishtar Kahol and
Kunal Kahol, Advocate.

versus

THE STATE OF NCT OF DELHI Respondent

Through: Mr. Tarang Srivastava, Ld.
APP for the state with SI
Somvir Singh PS: Alipur.

HON'BLE MR. JUSTICE BRIJESH SETHI

J U D G M E N T

BRIJESH SETHI, J

CRL M.A.5339/2020(Exemption) in Bail Appl. No. 696/2020.

Allowed, subject to all just exceptions.

CRL M.A.5345/2020(Exemption) in Bail Appl. No. 701/2020.

Allowed, subject to all just exceptions.

Bail Appl. No. 696/2020 & Bail Appl. No. 701/2020

1. Vide this order, I shall dispose of second anticipatory bail applications filed under Section 438 Cr.P.C. on behalf of the petitioner **Rishab Kapoor** in FIR no. 384/2019 and FIR No. 386/2019, both under Section 420/406/34 IPC, PS Alipur, Delhi.
2. Ld. Counsel for the petitioner has prayed for anticipatory bail in both the applications on the ground that petitioner is innocent and has been falsely implicated. Petitioner was merely working as an agent of M/S Troy Milling and Solar Energy Pvt. Ltd. being run by Mr. Jai Kumar Koshti and Sumit Aggarwal (Accused no. 2 & 3). In FIR bearing no. 384/2019, the only role played by the petitioner was that he had introduced accused no. 2

and 3 to the complainant Raj Kumar whereas in FIR bearing no. 386/2019, it is alleged against the petitioner that he along with Raj Kumar, Director of Prateek Power Plant Pvt. Ltd. had introduced the complainant Dhananjay Khatri with the Directors of M/S Troy Milling & Energy Pvt. Ltd. i.e. accused no. 1 and 2. It is further submitted that entire disputed amount has been transferred to account of accused no. 1. Petitioner is neither the owner nor director of the company (Accused no. 1) nor beneficiary thereof and was entitled only to the percentage of commission of profits. It is further submitted that petitioner is ready to deposit the alleged amount of Rs. 12,55,000/- without prejudice to his rights/liabilities in case FIR no. 384/2019. It is, therefore, prayed that in the event of arrest, he be released on anticipatory bail in both the FIR bearing no. 394/2019 and 386/2019.

3. The anticipatory bail applications are opposed by the Ld. APP for the State on the ground that the allegations against the petitioner are serious in nature. It is further submitted that first bail application of the petitioner has already been dismissed by this Court in both the FIRs vide a detailed order dated 12.02.2020 and

since then, there are no change in the circumstance nor any new fact has emerged after rejection of first anticipatory bail application of the petitioner. The investigation is still in progress and petitioner is not cooperating with the investigating officer. It is further submitted that custodial interrogation of the petitioner is also required. He has, therefore prayed for dismissal of the bail applications.

4. I have considered the rival submissions. The first anticipatory bail applications of the petitioner in FIR no. 384/2019 and 386/2019 were dismissed by this Court vide a detailed **order dated 12.02.2020** on the ground that the investigation is at initial stage, petitioner is not joining the investigation and his custodial interrogation is required. Since then there is no change in the circumstances of the case. Keeping in mind the above facts as well as the amount of cheating involved and also in view of the fact that custodial interrogation of the petitioner is required, no grounds for anticipatory bail are made out. The anticipatory bail applications are, therefore, dismissed.

BRIJESH SETHI, J

MARCH 12, 2020

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