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

+ **BAIL APPLN. 2389/2019 and CRL.M.A. 36415/2019**

PRABUDDHA DARONDE

..... Petitioner

Through: Mr Narender Singh Yadav, Mr Vivek
Sharma and Mr M.P. Upadhyay,
Advocates.

versus

STATE (N.C.T. of Delhi)

..... Respondent

Through: Ms Meenakshi Chauhan, APP for
State.
Inspector Suman Kumar, PS Sarita
Vihar.
Mr Adit S. Pujari and Mr Chaitanya
Sundriyal, Advocates.

AND

+ **BAIL APPLN. 2450/2019 and CRL.M.(BAIL) 1715/2019**

AMEYA BHAGAT

..... Petitioner

Through: Mr Narender Singh Yadav, Mr Vivek
Sharma and Mr M.P. Upadhyay,
Advocates.

versus

STATE (N.C.T OF DELHI)

..... Respondent

Through: Ms Kusum Dhalla, APP for State.
Inspector Suman Kumar, PS Sarita
Vihar.
Mr Adit S. Pujari and Mr Chaitanya
Sundriyal, Advocates.

AND

+ **BAIL APPLN. 2634/2019 and CRL.M.(BAIL) 1836/2019**

ASHOK MULAY

..... Petitioner

Through: Mr Narender Singh Yadav, Mr Vivek
Sharma and Mr M.P. Upadhyay,
Advocates.

versus

STATE (N.C.T OF DELHI)

..... Respondent

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Through: Ms Meenakshi Chauhan, APP for
State.
Inspector Suman Kumar, PS Sarita
Vihar.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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04.03.2020

1. The petitioners have filed the present petitions, *inter alia*, seeking anticipatory bail in connection with FIR No. 168/2019, under Sections 420/34 of the IPC, registered with PS Sarita Vihar.
2. The said FIR was filed at the instance of M/s DSS Takara Bio India Pvt. Ltd. (hereafter 'DSS'). It was stated that the petitioner in Bail Application No. 2389/2019 (Mr Prabuddha Daronde) and the petitioner in Bail Application No. 2450/2019 (Mr Ameya Bhagat) were employees of DSS. It is alleged that they had opened another concern, namely AAC Biosolutions, as a sole proprietorship concern of Sh. Ashok Mulay (the father-in-law of Ameya Bhagat). They had effectively diverted a large portion of their business of DSS to AAC Biosolutions. It is stated that the *modus operandi* was to direct the inquiries made by various customers and supply goods from DSS to the said concern at highly discounted prices. The same resulted in AAC Biosolutions, the firm being run by Sh. Ashok Mulay, earning substantial profits, which were otherwise due to DSS. The complaint also alleged that both, Mr Prabuddha Daronde and Mr Ameya Bhagat, were in key positions to effectively divert the sales of DSS.
3. It is also alleged that Sh. Daronde and Sh. Bhagat had introduced AAC Biosolutions to DSS and had ensured that a Dealership Agreement was



entered into between DSS and AAC Biosolutions. The said agreement granted non-exclusive rights to AAC Biosolutions to sell certain products in Mumbai and certain parts in Pune.

4. It is further alleged that the said *modus operandi* of the petitioners was discovered when it was found that there was a sharp decline in the sales and profit of DSS in the western region.

5. It is alleged that a loss of approximately ₹31 lakhs has been caused to DSS by the petitioners.

6. It is seen from the above that the allegations made can be investigated by verifying the relevant documents, including bank statements. The petitioners have joined the investigation and there is no allegation that they have not supplied the documents, as required by the Investigating Officer.

7. Mr Pujari, learned counsel appearing for the DSS/complainant states that the petitioners are not cooperating with the Investigating Officer. He submits that Mr Daronde and Mr Bhagat were provided laptops by DSS for the purposes of its business. The said laptops were returned by them but the same did not contain the relevant data, as they had deleted all data from these laptops. Thus, the said petitioners are also in possession of data, which they have not provided to DSS. The records of the transactions entered into by DSS should be available with it and, *prima facie*, it is difficult to accept, at this stage, that the relevant data was maintained only in digital form on the hard disk of the laptops provided to Mr Prabuddha Daronde and Ameya Bhagat.

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8. Considering the circumstances of this case, this Court is persuaded to allow the petitioners. The petitioners are granted anticipatory bail on furnishing a personal bond in the sum of ₹10,000/- each with two sureties of an equivalent amount each to the satisfaction of the Investigating Officer/SHO. This is subject to the petitioner's continuing to join the investigation and cooperating with the Investigating Officer. The petitioners shall provide all documents that are available with them to the Investigating Officer as and when asked for. The petitioners shall also appear before the Investigating Officer as and when called for.

9. It is directed that this order will inure to the benefit of the petitioners only till the chargesheet is filed.

10. The petitions are disposed of in the aforesaid terms. The pending applications are also disposed of.

11. Order *dasti* under signatures of the Court Master.



VIBHU BAKHRU, J

MARCH 04, 2020
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