

CRM-M-7891-2021  
Decided on : 29.01.2024

..... Petitioner

..... Respondent

Mr. Yogesh Goel, Advocate with  
Mr. Vishwas Bansal, Advocate  
for the complainant.

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Learned counsel for the petitioner *inter alia* contends that he has been falsely implicated in the case at hand for allegedly cheating the complainant to the tune of more than Rs.35,79,066/- by crediting and subsequently, withdrawing the amount from the ATM cards of the former employees of the complainant. Learned counsel submits that his false implication in the case at hand finds credence from the fact that he had been associated only with the HR department of the factory and therefore, could not have in any manner meddled in the affairs of the accounts

department of the factory. Learned counsel further submits that even the CCTV footage purportedly relied upon by the investigating agency does not in any manner associate the petitioner with the crime in question as it was unbelievable that the petitioner, would have withdrawn a huge amount of Rs.31 lakhs from the ATM.

Learned counsel for the petitioner states that pursuant to order dated 19.07.2023, passed by this Court, the petitioner has joined investigation. This fact is not disputed by the counsel for the State as well.

Learned State counsel on instructions states that the petitioner has joined investigation and cooperated with the investigating agency; he is no longer required for further interrogation except for the recovery of Rs.31 lakhs, which was fraudulently obtained by the petitioner.

Heard learned counsel for the parties.

Once the petitioner has joined investigation and cooperated with the investigating agency, his prayer for anticipatory bail cannot be declined for the purpose of effecting recovery of the allegedly cheated money.

Resultantly, present petition is allowed and interim order dated 19.07.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

29.01.2024  
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(MANJARI NEHRU KAUL)  
JUDGE

Whether speaking/reasoned:  
Whether reportable :

Yes/No  
Yes/No