$~1

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

\+ BAIL APPLN. 3326/2021

ABHISHEK GULATI .....Petitioner

Through: Mr. N. Hariharan, Sr. Advocate with Mr. Riyaz D. Bhat, Mr. Saifuddin, Mr. Sidharth Singh Yadav, Mr. Sharian Mukherji, Mr. Punya Rekha Angara, Ms. Sana Singh, Mr. Ayush K. Singh and Ms. Kashish Ahuja, Advocates

versus

STATE NCT OF DELHI .....Respondent

Through: Mr. Laksh Khanna, APP for State with SI Vishwa, P.S. Subhash Place. Ms. Karuna Chhatwal, Advocate for complainant.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **18.09.2024**

1. By way of present bail application, the applicant seeks anticipatory bail in FIR No. 0342/2019 registered under Sections 419/420/467/468/471/120B IPC at P.S. Subhash Place, Delhi.

2. Mr. Hariharan, ld. Senior Counsel for the applicant, states that the applicant was granted interim protection during the pendency of his bail application before the Sessions Court and even this Court while issuing notice on 09.09.2021 directed that subject to the applicant's joining investigation as and when called by the concerned I.O., no coercive action be taken against him. It is submitted that the applicant has since then regularly joined the investigation and cooperated in the same.

On merits, it is contended that though the prosecution has alleged that the applicant is involved in the approval of 59 cases of loan granted to various persons, amounting to approximately Rs.6.13 crores, the documentation in this regard is lacking. He submits that the applicant is not the only person in the hierarchy and in fact, the applicant, who is an Assistant Sales Manager, is under the direct supervision of the Local Sales Manager, Area Sales Manager, Regional Sales Manager and National Sales Manager. He further submits that though it is stated that the applicant had done geo tagging for 3 persons, namely, *Neeraj Jha*, *Jitendra Singh* and *Shilpy Modak*, the said process even otherwise comes at a later stage, i.e., after the loan applications have been uploaded alongwith the documents and soft approval has been granted at various levels. He also submits that even for the purpose of geo tagging, the applicant was only required to visit the borrower and identify him. Insofar as the loan disbursed to *Neeraj Jha* is concerned, it is submitted that though *175, East Patel Nagar, Delhi* is stated to be the residence of the applicant himself, the applicant actually resides at *E-175, East Patel Nagar, Delhi* and that the loan documents show '*175, East Patel Nagar, Delhi*'. Insofar as *Jitendra Singh* and *Shilpy Modak* are concerned, no such geo tagging document has been placed on record alongwith the Status Report.

3. Ld. APP for the State, who is duly assisted by the counsel for the complainant, while referring to the Status Report dated 04.10.2021, submits that the applicant's involvement is apparent in the following manner :-

Sl. No.	**Particulars**	**No. of cases**	**Amount (in crores)**
1.	Recommended by petitioner	26	2.6

2.	Geo tagging by petitioner	3	.30
3.	Processed under his direct supervision	30	3.23
	Total	59	6.13
	Total amount returned as loan closed /EMI		Approx. 1.5

4. Learned counsel for the complainant has argued at length that various stages are involved from loan application to disbursement and has submitted that the applicant only steps in at stage 4 and the earlier 3 stages are handled by the other employees. It is also pointed out that the applicant's role is not only restricted to geo tagging but he has also uploaded the documents qua one *Shahenaz Bano* appearing at Sl. No. 39 at page 28 of the Status Report dated 12.02.2024.

5. Ld. APP additionally states that the loan applications are accompanied by fake ID documents and fake stamps of various authorities which need to be recovered at the instance of the present applicant. Insofar as geo tagging of *Neeraj Jha* is concerned, it is contended that *House No. 175, Patel Nagar, Delhi* does not exist and that the said house wherein geo tagging was carried out belongs to the applicant himself. Reference is also made to the statement of *Vikash*, the co-accused, who has disclosed that he received a sum of Rs.5,000/- for each geo tagging done by him at the instance of the present applicant.

6. In rejoinder, Ld. Senior Counsel for the applicant has referred to the Status Report filed in the bail application of *Vikash* wherein it is verified that the credit entries in the account of *Vikash* have come from his own brother, *Avinash* and not from the present applicant. Attention is also drawn to the

statement of the Regional Sales Manager recorded in the proceedings dated 18.03.2021 wherein it was stated that the Area Sales Manager has control over all the issues relating to disbursement of loan, including the verification of documents. Further, while referring to the details enclosed in the Status Report with respect to the various borrowers, it is contended that the name of the applicant does not even figure in the approval process qua *Neeraj Jha*. Additionally, it is stated that a perusal of the stage logs would also show that the applicant's name is not figuring at any stage. On the contrary, the entire approval was granted by one *Dileep Singh*, the Area Sales Manager.

7. I have heard learned counsel for the parties and perused the material placed on record.

8. It is not disputed that the applicant was granted interim protection by the Sessions Court as well as by this Court, which has continued from 09.09.2021 till date. The prosecution has claimed that the applicant is involved in 59 cases of loan disbursed to borrowers, as extracted hereinabove. A tabular chart filed alongwith the Status Report indicates that only in one case of *Shahenaz Bano*, it was shown to be self-sourced by the applicant and in 7 cases, the documents were uploaded by him. It is also not in dispute that document verification is done at various stages after receiving the loan verification and disbursal. The prosecution so far has arrayed a total of 13 accused persons including *Neeraj Jha* and *Vikash*, who are already admitted on regular bail.

9. Considering the totality of the facts and circumstances, the interim protection granted to the applicant vide order dated 09.09.2021 is made absolute and it is directed that in the event of arrest, the applicant be released on anticipatory bail subject to him furnishing a personal bond in the sum of

₹50,000/- with one surety of like amount to the satisfaction of the Arresting Officer/Investigating Officer/SHO of the concerned Police Station and also subject to the following further conditions:-

(i) At the time of furnishing bail bond, the applicant shall provide the mobile number, which he undertakes to keep operational at all times during the pendency of the trial.

(ii) The applicant shall join the investigation as and when he is asked for.

(iii) The applicant shall inform the concerned Investigating Officer about his current residential address.

(iv) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Investigating Officer/SHO.

(v) The applicant shall not directly or indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.

(vi) The applicant shall regularly appear before the Trial Court as and when the charge sheet is filed.

10. The application is disposed of in the above terms alongwith pending applications.

11. Needless to state that the observations made hereinabove are only for the purpose of disposal of present bail application and which shall not have a bearing on the trial of the case.

MANOJ KUMAR OHRI, J

SEPTEMBER 18, 2024

ga