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

+ BAIL APPLN. 3849/2023, CRL.M.A. 31185/2023

AMIT KUMAR

.....Petitioner

Through: Mr. Sanjay Lodha, Adv.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Priyanka Dalal, APP for the State
Mr. Feroze Ahmad, Adv. for
complainant

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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14.10.2024

1. The present petition has been filed under Section 438 Cr.P.C. seeking grant of anticipatory bail in case FIR no. 509/2023 registered under Section 408 IPC at PS: Kamla Market.
2. Learned counsel for the petitioner submits that the present FIR has been lodged on false allegations. It has been submitted that, in fact, the petitioner was working as a freelance accountant for the complainant and during his assignment, he came across certain documents evidencing illegal activities such as hawala transactions and GST evasion. The petitioner, being a righteous person, informed the complainant that he could not be involved in such illegal dealings and intended to report the matter to the authorities. Consequently, the learned counsel for the petitioner submits that the complainant began threatening the petitioner and his family. It is contended that the alleged sum of Rs. 1.5 crores was



never handed to the petitioner, and only Rs. 14.50 lakhs were with him, which he has deposited *bona fide* as per Order dated 10.11.2023 with this Court. Further, learned counsel submits that the petitioner has complied with all directives and has joined the investigation.

3. Learned APP for the State opposes the bail application, arguing that the petitioner has been threatening the complainant to withdraw the FIR. It has further been submitted on account of interim protection granted by this Court, the petitioner has not been cooperating in the investigation.
4. Learned counsel for the complainant has also opposed the bail application. Learned counsel submits that the petitioner being an employee has committed breach of trust and ran away with the money kept with him for depositing in the bank.
5. Brief facts leading to the registration of the FIR are that on 07.10.2023, the complainant allegedly handed over Rs. 1.5 crores to the petitioner along with certain documents, which were to be deposited at HDFC Bank on 09.10.2023 (Monday). However, on 08.10.2023 (Sunday), the petitioner left for Mathura, changed his SIM card en route, and has since been untraceable. The investigating agency has recorded the taxi driver's statement confirming that the petitioner travelled to Vrindavan, Mathura. The status report also indicates that CDR analysis of the petitioner's mobile numbers 7976830466 and 9625521177 reveals his last location was in Vrindavan, where he inserted a new SIM no- 7427018383 and contacted mobile number 8000599422, both of which were registered under forged identities. The mobile no. 7427018383 is registered in the name of Sunil Kumar Sharma S/o Gajanand Sharma and mobile no. 8000599422 is registered in the name of Shanti W/o Jasa.



6. Petitioner's sudden departure to Mathura and his actions, such as changing his mobile number does not appeal to reason. The contention of the learned counsel of the petitioner that the petitioner was being threatened by the complainant holds no ground. If the petitioner had indeed been threatened, he should have approached the authorities rather than absconding.
7. The courts have time and again held that the grant of anticipatory bail is a discretionary power and has to be exercised sparingly. It should be exercised where the allegations appear to be solely for the purpose of harassment or embarrassment of the accused.
8. In the present case, learned APP for the State, on specific instructions from IO, has submitted that the petitioner has not been cooperating in the investigation. It has also been alleged that after the registration of the FIR, the petitioner has been threatening and blackmailing the complainant.
9. After taking into account the facts and circumstances, this Court is of considered view that the petitioner is not entitled to be admitted to anticipatory bail.
10. In view of the above, the present bail application and all pending applications stand disposed of.

DINESH KUMAR SHARMA, J

OCTOBER 14, 2024

JN/SM..