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

+ **BAIL APPLN. 4248/2023**

MANJEET KUMAR

..... Petitioner

Through: Mr. Atul Yadav, Mr. Pawan Yadav,
Mr. Sidarth Yadav, Mr. Bal kishan,
Mr. Vipin and Ms. Manisha Yadav,
Advocates.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Ms. Meenakshi Dahiya, APP for State
with Mr. Chaaitanya Jain and Mr.
Shishav Shukla, Advs.
SI Dilip Kumar, PS Saket.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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14.05.2024

1. An application under Section 438 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of anticipatory bail in FIR No. 0479/2023 under Section 408 IPC registered at P.S.: Saket.

2. In brief, as per the case of prosecution, petitioner Manjeet Kumar was appointed as a retail store manager in the year 2022 by the complainant company (M/s Hotspot Retail Private Limited) and was posted at the company's retail showroom/shop at Malviya Nagar Extension. On 11.09.2023 during internal audit conducted by the business development officer, it transpired that there was embezzlement/misappropriation of an



amount of Rs. 16,74,339/-. Amount towards sale of 13 mobile phones and other accessories/cash credit had not been accounted for by the petitioner.

It is further the case of prosecution that during the course of investigation, Sunil Kumar, who was also posted at the aforesaid store, had been examined and stated that petitioner after accepting the shortage of amount failed to join the duty.

3. Learned counsel for the petitioner submits that petitioner had joined the investigation during the course of interim protection granted by the learned Trial Court and is not involved in embezzlement. He further submits that during course of investigation, one of the mobile phone was found operative and concerned purchaser Satpal had informed that payment of the mobile was made through Amazon pay.

4. On the other hand, application has been vehemently opposed by learned APP for the State. She submits that payment of the aforesaid mobile phone, which was purchased by Satpal, was made through Amazon pay App to Manjeet's account and the said amount has not been credited. She further submits that the recovery of the other mobile phones alongwith embezzled amount is yet to be made since the petitioner has not cooperated in investigation.

5. Considering the totality of facts and circumstances of the case, custodial interrogation of the petitioner is imperative since recovery of the embezzled amount/mobile phones is yet to be made. No grounds for anticipatory bail are made out. Application is accordingly dismissed.

ANOOP KUMAR MENDIRATTA, J

MAY 14, 2024/akc