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

+ **BAIL APPLN. 4349/2023**

SUNIL KUMAR MISHRA

..... Petitioner

Through: Mr. Avneesh Mishra with Mr.
Akhilesh Kumar Pandey with Ms.
Manisha, Advocates.

versus

STATE GOVT. OF NCT OF DELHI

..... Respondent

Through: Mr. Laksh Khanna, APP for State
with Insp. Ichha Ram, P.S.
Daryaganj.
Mr. A.K. Singla, Sr. Advocate with
Mr. Akash Jandial, Mohd. Faraz and
Mr. Intkhab Alam, Advocates for
complainant.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **01.02.2024**

1. By way of present application, the applicant seeks anticipatory bail in FIR No.519/2023 registered under Sections 419/420/406/120B IPC at P.S. Darya Ganj.
2. The applicant claims that the present case was registered as the complainant had alleged that M/s. Crystal Pharma Care, which placed the purchase order for supply of chemicals failed to make the payment against the supplied goods. It is submitted that the applicant is not involved in any manner with the transaction and to show his bonafide, rather paid Rs.7,90,000/- to the complainant on behalf of M/s. Crystal Pharma Care.



2. Learned APP duly assisted by counsel for the complainant has opposed the prayer. It is contended that the goods supplied by the complainant company were received by Mr. Neeraj Saini and Mr. Himanshu Saini, the proprietors of M/s Perception Health care and M/s Onva health care respectively. The applicant got released the consignments from the transporter with the help of co-accused Neeraj and Himanshu Saini. The accused persons entered into conspiracy to cheat the complainant. As per statement of transporter, the good have been further supplied to J.PEE Pharma care. Thereafter, M/s Crystal raised an invoice on Cure Track Pharma of which, the applicant is the proprietor. The applicant is also involved in FIR No.470/2023 u/s. 406/504 IPS, P.S. Gang Nahar, Roorkee, Haridwar, Uttarakhand.

3. The co-accused Neeraj and Himanshu, who as per investigation, admittedly received the goods, have not been arrested. Pankaj Yadav of M/s Crystal pharma care has been granted interim protection. The applicant has also made payment of Rs. 7,90,000/- to the complainant. Keeping in view the aforesaid facts and circumstances, it is directed that in the event of arrest, the applicant be released on bail subject to him furnishing a personal bond in the sum of ₹25,000/- 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) The applicant shall join the investigating as and when he is asked for.
- (ii) The applicant shall remain available on mobile number:9897091131, which shall be kept operational at all times during the pendency of the trial.



- (iii) The applicant shall inform the concerned Investigating Officer about his current residential address.
 - (iv) In case of change of residential address/contact detail, 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.
4. The application is disposed of in the above terms.
5. needless to state that the observations made hereinabove shall not have any effect on the trial.

MANOJ KUMAR OHRI, J

FEBRUARY 1, 2024/hs