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

+ **BAIL APPLN. 520/2025 and Crl.M.A. 3758/2025**

AKHILESH KUMAR

.....Petitioner

Through: Mr.Aditya Wadhwa, Advocate

versus

STATE OF NCT OF DELHI THROUGH SHORespondent

Through: Ms. Priyanka Dalal, APP for State
with SI Sachin Kumar PS Kalkaji

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

20.08.2025

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1. The present application under Section 482 of the BNSS, 2023 before this Court is seeking the benefit of anticipatory bail to the applicant in relation to FIR No. 473/2024 dated 28.09.2024 under Section 406 IPC registered at police station Kalkaji, Delhi.

2. The matter was earlier heard by the Co-ordinate Bench of this Court and the following order dated 07.02.2025 was passed. The same reads as under:

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3. *This is an application under Section 482 of the BNSS (Section 438 of the Cr.P.C.) seeking anticipatory bail in case FIR No. 473/2024, under Section 406 of the IPC, registered at P.S. Kalkaji.*

4. *The allegation in the present FIR is that the complainant (director of the company 'Foxbase Technologies Pvt. Ltd.') had purchased a vehicle in the year 2021, which was given to the present applicant, however, despite passage of so many*



years he has not returned the car.

5. Learned counsel for the applicant submits that the car which was purchased by the complainant-company was in fact out of the funds invested by Hyperfybre Private Limited, which had entered into a commercial transaction with regard to purchase of 80% shares of the complainant-company. It is the case of the applicant that the car is with the aforesaid company, i.e., Hyperfybre Private Ltd.

6. On a pointed query from the Investigating Officer in the present case, it is submitted that the aforesaid position is not clear at the moment.

7. Issue notice.

8. Learned APP for the State accepts notice and seeks time to file a status report. Let the same be filed before the next date of hearing.

9. List on 24.04.2025.

10. In the meantime, on the applicant joining the investigation as and when directed by the Investigating Officer, no coercive steps be taken against him till the next date of hearing.....”

3. On resumed hearing today, on a query put to learned APP for State as to whether the applicant has joined the investigation, it transpires that the applicant was called as many as eight times by the SHO. Each time he made himself available and his statement under Section 161 of the Cr.P.C. has already been recorded.

4. However, bail plea is being opposed by the learned counsel for the complainant and the complainant present in person. They seek dismissal of the application on the ground that the applicant is not cooperating with the Investigating Officer to enable the IO to recover the car in question which led to the registration of the FIR. Qua which, learned counsel for the applicant informs, and in my view rightly so, that all that the applicant could



do has been done, i.e. he has informed and disclosed the whereabouts of the car, which has been duly noted in the status report as well. Pursuant thereto, notice under Section 94 CrPC has been issued to the Managing Director of M/s HyperFyber Pvt. Ltd. However, status report dated 22.04.2025 filed before this Court also records that the said vehicle was also not found at the address of the company, i.e. Hyperfyber Private Limited as its office was found closed.

5. In view of the aforesaid, I am of the view that in case the car is in illegal possession of the aforesaid company, nothing stops the law to take its own course. It is not for the applicant to forcibly, in any manner, to take possession of the car from a third party and hand it over to the Investigating Officer.

6. With these observations, I am of the view that as far as the present application is concerned, the same deserves to be allowed. It is accordingly ordered.

7. The Investigating Officer shall formally cause the arrest of the applicant and release him on furnishing a personal bond to his satisfaction subject to the compliance of the conditions/provisions contained under Section 482(1) BNSS.

8. The application stands disposed of.

ARUN MONGA, J

AUGUST 20, 2025/SV