



2025:DHC:1881



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 20.03.2025

+ BAIL APPLN. 733/2025

DIVYA RASTOGI

.....Petitioner

Through: Mr. Sonu Pandey, Adv.

versus

THE STATE GOVT. OF NCT OF DELHIRespondent

Through: Mr. Aman Usman, APP for the
State with SI Mahesh Kumar,
PS Kalkaji.Mr. Shekhar Raj Sharma and
Ms. Nidhi Narwal, Advs. for
Complainant.**CORAM:-****HON'BLE MR. JUSTICE RAVINDER DUDEJA****JUDGMENT (ORAL)****RAVINDER DUDEJA, J.**

1. This is an application under Section 439 Cr. P.C (Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023) on behalf of the applicant/accused Mr. Divya Rastogi in case FIR No. 471/2003 under Sections 420/408/467/468/471 IPC registered at P.S. Kalkaji, New Delhi.

2. Learned counsel for the applicant/accused submits that there is a presumption of innocence in favour of the accused and bail is a rule



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and jail is an exception. It is submitted that the applicant/accused is in custody since last more than 16 months, evidence is documentary in nature and is already in possession of the Investigating Agency and thus there is no scope of tampering with the prosecution evidence. It is also submitted that the documents have been sent to FSL, however the FSL report is still awaited. Thus, there is no chance of completing the trial in near future owing to voluminous charge sheet of more than 2200 pages and lot of witnesses are to be examined.

3. It is also submitted that the applicant/accused is the only bread earner of his family. His father is suffering from various age related ailments and is in need of look-after by his son. On merits, it is submitted that all the allegations are false and baseless and that while the applicant/accused was in Goa on vacation, taking advantage of his absence, the complainant lodged a false complaint against the applicant/accused resulting into the registration of the present FIR.

4. The bail application has been vehemently opposed by the learned APP arguing that the petitioner has fraudulently embezzled Rs.2,23,75,325/- between 01.12.2021 to 30.10.2023 by forging the signatures of the Chairman, Jagannath International Management School (JIMS). It is submitted that the accused tried to evade the Investigating agencies as he was on the run and with great difficulty he was arrested from Goa. He did not render cooperation to the Investigating Agency. It is submitted that co-accused persons namely, Neha, Karunesh and Simran are yet not arrested and there is a



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possibility that upon being released, the applicant/accused may run away from the jurisdiction of the Court.

5. As per the prosecution version, the accused was working as an Accountant with JIMS. He did not report to the campus since 30.10.2023 without any information. Upon checking the record, it was discovered that the payments made to various vendors were doubtful. Upon enquiry, it was found that the transactions were in the name of various vendors but only four account numbers were mentioned in all the NEFT Forms. Upon checking from the concerned banks, it was found that all the four bank accounts were related to the accused Divya Rastogi and his associates.

6. The allegation against the accused is that he has forged the signatures of the Chairman of JIMS and transferred amount in 15 accounts including his three accounts. He made a total of 110 transactions by forging the signatures.

7. Learned APP submits that accused used to transfer the money in his own account and his friend's bank accounts, who in turn used to return the money after taking their commission. It is a case where huge amount has been siphoned off surreptitiously by forging the signatures of the Chairman of JIMS taking advantage of his position as an Accountant.

8. As per the Status Report, only Rs.62,70,740/- lying in different banks in the name of the accused and his associates have been



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recovered out of the total embezzled amount of Rs.2,23,75,325/-.

9. The case is still at an initial stage. The charges are yet to be finalized. Some of the co-accused persons are still absconding. Even though, co-accused Kunal, Mayank Sharma and Chaman Lal have since been enlarged on bail, the present accused is the master mind in the act of cheating.

10. Keeping in mind the overall facts and circumstances and in particular the nature and gravity of allegations, I am not inclined to grant bail to the accused at this stage. The application is therefore dismissed.

RAVINDER DUDEJA, J

MARCH 20, 2025/ib/r/ak

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