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

+ **BAIL APPLN. 3205/2025**

BAIDHANATH @ BHOLA

.....Petitioner

Through: Mr. Rahul Kumar Verma, Mr. Sanjay Yadav, Mr. Dheeraj, Mr. Suresh Chandra Verma and Ms. Srishti Guha, Advs.

versus

THE STATE (G.N.C.T. OF DELHI) & ANR.Respondents

Through: Ms. Meenakshi Dahiya, APP for State with SI Himanshu, PS Mahendra Park.

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

02.09.2025

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1. The present FIR No. 692/2024, under Section 316(4) of the Bharatiya Nyaya Sanhita, 2023 was registered at Police Station Mahendra Park on 31.12.2024 on the basis of a complaint dated 18.11.2024 lodged by the complainant, alleging misappropriation of funds by the petitioner.
2. The petitioner is stated to have been working with the complainant as a Munshi for the last about five years, drawing a monthly salary of Rs. 12,000/-.
3. It is alleged that the petitioner, being entrusted with the responsibility of maintaining accounts and depositing daily sale proceeds of the complainant's shop, used to collect cash and deposit the same in the bank.
4. On 14.11.2024, the complainant handed over a sum of Rs. 15,00,000/- to the petitioner for deposit in the bank. However, no intimation or slip from the bank was received, raising suspicion. Upon enquiry, it transpired that the



said amount had not been deposited.

5. The petitioner allegedly evaded the complainant, switched off his mobile phones, and absconded. Initial enquiries also revealed discrepancies in the account books maintained by the petitioner *vis-à-vis* those maintained by the complainant's father, indicating embezzlement over the past three years.

6. A written complaint was made to the police on 31.12.2024, pursuant to which the said FIR was registered.

7. A notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") was issued to the petitioner on 04.01.2025 to join investigation on 07.01.2025.

8. Instead, the petitioner approached the learned Sessions Court seeking anticipatory bail. He was granted interim protection *vide* order dated 16.01.2025, directing him to join investigation. The petitioner did join on 20.01.2025 but did not cooperate, failed to explain discrepancies, and was evasive in answers. Consequently, his anticipatory bail application was dismissed by the learned Additional Sessions Judge on 22.01.2025.

9. Thereafter, the petitioner approached this Court seeking anticipatory bail. The Status Report filed by the Investigating Officer reveals that proceedings under Section 82 of the Code Of Criminal Procedure, 1973 (corresponding Section 84 of BNSS) have already been initiated against the petitioner for non-appearance, and custodial interrogation is considered necessary to ascertain the extent of misappropriation and effect recovery of the embezzled funds.

10. Given the gravity of the allegations, the consistent non-cooperation by the petitioner, and the requirement of custodial interrogation at this initial



stage of investigation, this Court does not find it a fit case to grant anticipatory bail.

11. Accordingly, the present petition is dismissed.

AJAY DIGPAUL, J

SEPTEMBER 2, 2025

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