

(2020) 03 DEL CK 0225

In the Delhi High Court

Case No : Bail Application No. 707 Of 2020, Criminal Miscellaneous Application
No. 5395 Of 2020

Rishab Kapoor

APPELLANT

Vs

State Of Nct Of Delhi

RESPONDENT

Date of Decision : 13-03-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438
Indian Penal Code, 1860 — Section 34, 406, 420

Citation : (2020) 03 DEL CK 0225

Hon'ble Judges : Brijesh Sethi, J

Bench : Single Bench

Advocate : Yudhishtar Kahol, Kunal Kahol, G.m.Farooqui

Final Decision : Dismissed

Judgement

Brijesh Sethi, J

CRL M.A.5395/2020 (Exemption).

Allowed, subject to all just exceptions.

Bail Appl. No. 707/2020.

1. Vide this order, I shall dispose of second anticipatory bail application filed under Section 438 Cr.P.C. on behalf of the petitioner Rishab Kapoor in FIR no. 385/2019, under Section 420/406/34 IPC, PS Alipur, Delhi.

2. Ld. Counsel for the petitioner has prayed for anticipatory bail on the ground that petitioner is innocent and has been falsely implicated. Petitioner was merely working as an agent of M/S Troy Milling and Solar Energy Pvt. Ltd. being run by Mr. Jai Kumar Koshti and Sumit Aggarwal (Accused no. 2 & 3). The only role played by the petitioner was that he along with Raj Kumar, Director of Prateek Power Plant Pvt. Ltd. had introduced the complainant with the Directors of M/S Troy Milling & Energy Pvt. Ltd. i.e. accused no. 1 and 2. It is further submitted

that entire disputed amount has been transferred to account of accused no. 1. Petitioner is neither the owner nor director of the company (Accused no. 1) nor beneficiary thereof and was entitled only to the percentage of commission of profits. It is, therefore, prayed that in the event of arrest, he be released on anticipatory bail.

3. The anticipatory bail application is opposed by the Ld. APP for the State on the ground that the allegations against the petitioner are serious in nature. It is further submitted that first bail application of the petitioner has already been dismissed by this Court vide a detailed order dated 12.02.2020 and since then, there are no change in the circumstance nor any new fact has emerged after rejection of first anticipatory bail application of the petitioner. The investigation is still in progress and petitioner is not cooperating with the investigating officer. It is further submitted that custodial interrogation of the petitioner is also required. He has, therefore prayed for dismissal of the bail application.

4. I have considered the rival submissions. The first anticipatory bail application of the petitioner was dismissed by this Court vide a detailed order dated 12.02.2020 on the ground that the investigation is at initial stage, petitioner is not joining the investigation and his custodial interrogation is required. Since then there is no change in the circumstances of the case. Keeping in mind the above facts and also in view of the fact that custodial interrogation of the petitioner is required, no grounds for anticipatory bail are made out. The anticipatory bail application is, therefore, dismissed.