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

+ BAIL APPLN. 1236/2023

SANJEEV KAKAR

..... Petitioner

Through: Mr. Manish Makhija, Advocate.
versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Manoj Pant, APP for the State.
Mr. Satya Narayan Vashishth, Mr.
Harsh Vardhan, Mr. Gautam Tripathy
& Ms. Laxmi, Advocates for
Complainant.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

11.10.2023

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1. The instant application under Section 438 of the Code of Criminal Procedure, 1973 has been filed on behalf of applicant for grant of anticipatory bail in case FIR bearing No. 368/2022, registered at Police Station Kalkaji for offence punishable under Section 406 of Indian Penal Code, 1860.

2. Briefly stated, facts of the case are that on 02.03.2020, the complainant Mr. Sandeep Behl, Director of Printland Digital India Pvt Ltd., had filed the present complaint whereby it is stated that the present accused/applicant was appointed as Additional Director in the company. It is stated that in the year 03.04.2016, the company had purchased a car i.e. Creta 1.6 CRDi, Auto SX+ Sleek Silver from Koncept Cars Pvt. Ltd. for official purposes and smooth functioning of the company, by availing a loan



facility of Rs. 12,60,000/- from ICICI Bank. The said car had been entrusted to the accused/applicant alongwith a driver. It is alleged that on 22.09.2019, the applicant had resigned from the company and while accepting the resignation of the applicant, the Authorized Representative of the company had requested him to return the said car and other properties of the company including the laptop. However, despite repeated reminders. It is further alleged that the complainant had repeatedly requested the applicant to return the car and other valuable articles, but the accused had failed to do so. It is further alleged that the company was forced to send various emails and WhatsApp messages to the accused but neither did he reply nor did he return the car and other articles, however, the company had already paid the entire loan amount towards the car to the concerned Bank. On these allegations, the present FIR was registered.

3. Learned counsel for accused/applicant states that facts mentioned in the FIR do not make out a case against the accused for having dishonestly misappropriated the property of the company. It is also stated that applicant herein had joined investigation as and when called by the investigating officer, and the car in question has already been taken into police possessions and as far as laptop is concerned, the applicant is not in possession of the same and even the complainant has failed to provide any details of the laptop in question. Therefore, it is prayed that applicant be granted anticipatory bail.

4. Learned APP for the State submits that applicant had joined investigation pursuant to direction of this Court and the car in question has been recovered from him. It is also stated that applicant has not handed over the laptop and has rather informed the IO that he is not in possession of the



same, for which a notice under Section 91 of Cr.P.C. was also served to the complainant.

5. Learned counsel for the complainant opposes the present bail application and submits that the applicant has not yet handed over the laptop in question to the IO.

6. I have heard arguments addressed by learned counsel for the accused as well as learned APP for the State, and have perused the material placed on record.

7. In the present case, the allegations against the appellant are that even after leaving the complainant company, he had not returned the car and the laptop which had been entrusted to him by the company for official purposes. The Investigating Officer, who is present before this Court, states that applicant herein has joined investigation and the Creta car in question has been recovered from him, which has been released on *superdari* to the rightful owner. It is also stated that as far as the laptop in question is concerned, the applicant has stated that he is not possession of any laptop as alleged in the complaint, and the details of laptop have not been provided by the complainant himself and, therefore, the same could not be recovered. This Court also takes note of the fact that Section 409 of IPC has also been added in the present case.

8. Considering the aforesaid facts and circumstances of the case, and the fact that the applicant has joined investigation and the car in question has already been recovered, this Court inclined to grant anticipatory bail to the present accused/applicant. In event of arrest, the applicant shall be released on furnishing a personal bond in sum of Rs. 20,000/- with one surety of like amount to the satisfaction of SHO/IO concerned. The applicant shall remain



available on mobile number(s) shared by him with IO and will join investigation as and when required.

9. Accordingly, the present bail application is disposed of.
10. The order be uploaded on the website forthwith.

OCTOBER 11, 2023/MR

SWARANA KANTA SHARMA, J

Click here to check corrigendum, if any