

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

+ **Bail Application No.1335/2008**

% **Date of Decision: 07.08.2008**

Vandana Grover Petitioner

Through Mr.Prashant Mendiratta and
Mr.Vaibhav Raina, Advocates

Versus

State Respondent

Through Mr.R.N. Vats, APP for the State along
with SI Om Prakash, P.S. Rajender
Nagar.

CORAM:
HON'BLE MR. JUSTICE ANIL KUMAR

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| 1. | Whether reporters of Local papers may be allowed to see the judgment? | YES |
| 2. | To be referred to the reporter or not? | NO |
| 3. | Whether the judgment should be reported in the Digest? | NO |

ANIL KUMAR, J.

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The petitioner seeks anticipatory bail under Section 438 of the Criminal Procedure Code in respect of FIR No.194 of 2006 under Sections 419/420/468/471 of Indian Penal Code registered at Police Station Rajender Nagar.

Learned counsel for the petitioner has contended that the complaint dated 18th May, 2006 filed by the complainant is false and the FIR was registered after a considerable delay on 9th November,

2006. The husband of the petitioner was arrested on 26th November, 2007 and was released on bail on 2nd June, 2008 and thereafter the petitioner is being threatened with the arrest.

It is contended by the petitioner that the respondent has filed the charge sheet without taking original documents from the complainant and has declined to take various documents from the petitioner which will show the innocence of the petitioner. The husband of the complainant is stated to be a blackmailer and it is alleged that the police is hand-in-glove with him. The husband of the complainant is alleged to have threatened and harassed innocent property owners by giving them loans at lucrative rates of interest and have usurped their properties which are mortgaged by them. Learned counsel for the petitioner has filed the copies of various FIRs by different persons whose properties are alleged to have been grabbed by the husband of the complainant in the area.

The accusation against the petitioner is that the property bearing No.22/8, Lower Ground Floor, New Rajender Nagar, was sold by her on 4th September, 2002 by way of general power of attorney and other related documents to Shri Birender Kumar on 4th September, 2002 who allegedly sold the said property to the complainant. It is also alleged that the complainant had let out the said property to the husband of the petitioner, Shri Jagdish Grover. The petitioner is alleged to have

sold the aforesaid property also to Shri Amit Mangal on 13th April, 2006.

Regarding the alleged sale to Shri Biredner Kumar, it is contended that a loan of Rs.5.00 lakh was taken from Shri Birender Kumar which amount was repaid by the husband of the petitioner by pay order 593727 dated 26.12.2002 for Rs.2.50 lakh drawn on Indian Overseas Bank, Haldwani and another pay order of Rs.2.00 lakh which was also given by the husband of the petitioner from his Bank Account No.8583 with the Central Bank of India, Chunna Mandi, Paharganj. The pay order for Rs.2.00 lakh was drawn in favor of the mother, Smt.Shakuntala Rani, of Shri Birender Kumar. The details of other amounts paid are also given by the petitioner.

The petitioner is stated to be a house wife with three minor children aged 14, 10, and 9 years and children are stated to be completely dependent on the petitioner emotionally and psychologically. Petitioner does not have any criminal antecedents.

Learned Additional Public Prosecutor has contended that custodial interrogation of the petitioner is required to recover the original documents. It is, however, admitted that the petitioner had joined the investigation on 21st June, 2008; 23rd June, 2008 and 4th July, 2008. The original documents which are sought to be recovered from the petitioner could not be in her possession as the original documents were executed in favour of Pooja Vacher, Birendeer Kumar

and Amit Mangal. The allegation of the complainant is not that the original documents were retained by the petitioner. In order to compare the signatures of the petitioner with the signatures on the documents which were executed, the signatures and the handwriting of the petitioner can be obtained whenever she will be directed to appear before the investigating officer.

Considering the totality of circumstances, the petitioner is entitled for anticipatory bail. Therefore, the petition is allowed. In case of arrest, petitioner be released on bail on furnishing a personal bond for a sum of Rs.30,000/- with one surety of the like amount to the satisfaction of the arresting/investigating officer. The petitioner shall take part in investigation as and when directed by the investigating officer and shall also give her specimen signatures and writing, if so required by the investigating officer. The petitioner shall not influence any of the witnesses. The petition is disposed of with these directions.

Dasti.

August 07th , 2008.
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ANIL KUMAR, J.