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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 1064/2016 & CrI.M.A. Nos.8473-8474/2016
RADHA KHANNA Petitioner
Through Mr.Ghanshyam Sharma, Adv.

versus

STATE (GOVT OF NCT OF DELHI) Respondent
Through Mr.M.P. Singh, APP for the State.
Mr.Ravin Rao, Adv. for complainant.

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

ORDER
% **25.05.2016**

The present application under Section 438 read with Section 482 Cr.P.C. has been filed by the petitioner for the grant of anticipatory bail in FIR No.325/2015, under Sections 420/120-B IPC, Police Station Neb Sarai and also for cancellation of process under Section 82 Cr.P.C. initiated against the petitioner by the Trial Court vide order dated 25.04.2016.

Arguments heard.

As per FIR, the complainant Rahul Yadav made allegations that in December 2013, he contacted co-accused Surender Singh who stated that co-accused Vijay Khanna and his wife Radha Khanna (petitioner-herein) were the absolute owners of property No.E-224, Sainik Farms, New Delhi and they wanted to sell the said property. The complainant met accused Vijay Khanna and the present

petitioner. They showed the complete set of property documents to the complainant and assured him that the property was free from all encumbrances. The complainant agreed to purchase the said property for a sum of Rs.2,60,00,000/- and paid a sum of Rs.31 lakhs. The complainant also paid Rs.20,000/- as commission to accused Surender Singh. An agreement to sell was executed on 25.01.2014 by accused Vijay Khanna on behalf of his wife Radha Khanna i.e. the petitioner-herein. Later on, it was revealed that one Jyotika Kumar was having the possession of the property in question. It was also revealed that accused Vijay Khanna and Radha Khanna sold the said property to one Yusuf in 2005 who sold the property to Jyotika Kumar. It was also revealed that accused Vijay Khanna and Radha Khanna also sold the said property to one Ravi Malhotra in 2012.

Learned counsel for the petitioner has argued that the petitioner is a senior citizen aged about 62 years. She is suffering from various ailments including diabetes and hypertension. She has already undergone knee replacement surgery. It is further argued that no money was ever been received by the petitioner in the present case and any money, if paid, was received by her husband Vijay Khanna. It is further argued that the petitioner is a house-wife and she had executed the power of attorney in favour of her husband regarding the property in question.

On the other hand, learned APP for the State has submitted that the petitioner is the owner of the property. The petitioner and her husband sold the same property to three persons and in one such case, the petitioner has already been convicted. It is further argued that in

the present case, the complainant has been duped and a sum of Rs.31 lakhs has been received by the petitioner and her husband. The husband of the petitioner is already in custody and in case the petitioner is granted bail, she may tamper with the evidence and influence the witnesses.

It has been shown that the petitioner and her husband have duped three persons regarding the same property. They have received consideration three times for the same property and in the present case the complainant has been duped for a sum of Rs.31 lakhs. It has also been shown that the petitioner has been convicted in one such case.

In the facts and circumstances, this Court does not find it a fit case to grant anticipatory bail to the petitioner. The present bail application and all pending applications are accordingly dismissed.

P.S.TEJI, J

MAY 25, 2016
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