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

\+ BAIL APPLN. 1047/2016

GAURI SHARMA ..... Petitioner

Through : Mr. Ankur Jain and Mr. Keshav Verma, Advs.

versus

THE STATE GOVT OF NCT OF DELHI ..... Respondent

Through : Mr. Sudershan Joon, APP with SI Nitin Nawani PS Hauz Qazi.
Mr. Anil Dwedi, Adv. for complainant with complainant in person.

AND

\+ BAIL APPLN. 1058/2016

SURENDER KR. SHARMA ..... Petitioner

Through : Mr. Ankur Jain and Mr. Keshav Verma, Advs.

versus

THE STATE GOVT OF NCT OF DELHI ..... Respondent

Through : Ms. Neelam Sharma, APP with SI Nitin Nawani PS Hauz Qazi.
Mr. Anil Dwedi, Adv. for complainant with complainant in person.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **07.09.2016**

Petitioners are husband and wife. They have filed present applications under Section 438 of Code of Criminal Procedure, 1973 seeking anticipatory bail in the FIR No.52/2016 under Sections 420/120-B IPC, registered at police station Hauz Qazi, on the complaint of Ms. Seema Sharma. Learned counsel for the petitioners submits that Ms. Seema Sharma was a close friend of petitioner Gauri Sharma. She has falsely alleged in the FIR that petitioners had taken ₹20,00,000/- in the month of May, 2014 on the pretext that they were in financial need and will sell the property bearing no.2201, Gali Shanker Wali, Masjid Khajoor, Dharampura, Delhi admeasuring 29.27 Sq. Meter to her for ₹20,00,000/-. Further, that in the month of December, 2014, petitioners again took ₹12,00,000/- on the pretext of selling their shop bearing no.295, MSX Janpat Street at MSX Mall, Greater Noida, UP to her. She has falsely alleged that petitioner Gauri Sharma vide letter dated 15th January, 2015 had acknowleged the aforesaid transactions. She has also falsely alleged that petitioner Gauri Sharma has issued a cheque for ₹12 lac to her. It is submitted that petitioners have not taken any money from the complainant. In fact, cheque book was stolen and complainant has misused one cheque. Ms.Gauri Sharma has not given letter dated 15th January, 2015 to the complainant. Ms. Gauri Sharma was not present in Delhi on 15th January, 2015 as she was in Gwalior. Train tickets and one medical certificate has already been given to the Investigating Officer.

Learned additional public prosecutor has vehemently opposed the grant of anticipatory bail to the petitioners. It is contended that complainant has categorically stated in the FIR that petitioners had approached her for financial assistance on the pretext that they were in dire need of money and offered to sell aforesaid properties. They took ₹20,00,000/- in the month of March, 2014 and ₹12,00,000/- in the month of December, 2014 and assured that property bearing no.2201, Gali Shanker Wali, Masjid Khajoor, Dharampura, Delhi and shop bearing no.295, MSX Janpat Street at MSX Mall, Greater Noida, UP, would be transferred in the name of complainant. Allotment letter dated 1st September, 2014 in respect of the shop was also shown to complainant. However, sale deeds were not executed. On 9th March, 2015, petitioners showed their inability to sell the shop. On 10th March, 2015, petitioners came and handed over a cheque bearing no.962701 dated 10th March, 2015 for ₹12,00,000/-, favouring complainant and drawn on Oriental Bank of Commerce, with the assurance that on presentation cheque would be honoured. However, the cheque was returned dishonoured with remarks "Account Closed". Complainant has specifically stated in the FIR that complainant has been cheated by the petitioners to the tune of ₹32,00,000/-.

Learned additional public prosecutor has further contended that during the investigation, it has come on record that the saving bank account was opened by the petitioner Ms. Gauri Sharma with Oriental Bank of Commerce in the name of her minor son. One cheque book containing 25 leaves was got issued by the account holder on 6th January, 2015. However, on the very next day, that is, 7th January, 2015, account holder gave an application for stopping the payment of all the cheques. Complainant has alleged that cheque was handed over on 10th March, 2015. In the letter dated 15th January, 2015 Ms.Gauri Sharma has admitted the receipt of ₹32 lacs. The doctor was confronted with medical certificate and he has stated that he issues medical certificates only to the employees, for leave purposes whereas Ms.Gauri Sharma is a housewife. Even the certificate shows that it refers regarding leave

Statement of the complainant is supported by the documents.

Keeping in mind the serious allegations, I do not find it to be a fit case for grant of anticipatory bail to the petitioners.

Bail applications are dismissed.

A.K. PATHAK, J.

SEPTEMBER 07, 2016/dk