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

+ **BAIL APPLN. 1556/2016**

SUMAN SHARMA

..... Petitioner

Represented by: Mr. Anil Sharma, Mr. Arun
Baali and Mr. Jaskaran Singh,
Advocates.

versus

STATE(NCT OF DELHI)

..... Respondent

Represented by: Mr. Ravi Nayak, APP for the
State with ASI Jai Prakash, PS
Crime Branch.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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02.08.2016

Crl. M.A. No. 11724/2016 (Exemption)

Allowed, subject to all just exceptions.

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1. By the present petition the petitioner seeks anticipatory bail in case FIR No.174/205 under Sections 420/468/471/120B IPC registered at PS Crime Branch.

2. Issue notice. Learned APP accepts notice on behalf of the State.

3. Learned counsel for the petitioner contends that the petitioner is only a house wife and mother of a three months old daughter. The allegations against the petitioner are vague and she has no role whatsoever to play in the incident. Learned counsel also claims parity with the co-accused Abhishek Kumar who has been granted regular bail by this Court. Learned counsel for

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the petitioner also states that though charge sheet has been filed however, the petitioner has not been named in the charge sheet.

4. Learned APP for the State contends that the petitioner and her husband are the main accused in the above noted FIR. They were running three firms in the name of M/s Vidhya Solutions, Vijay Solutions and M/s Vijay Solution Pvt. Ltd. and cheated several persons including senior citizens to the tune of crores of rupees. The money so collected was deposited in the accounts of the petitioner also who has withdrawn the same. Learned APP for the State further submits that since the investigations qua the petitioner are still going on hence no charge sheet qua the petitioner has been filed and the same will be filed as a supplementary charge sheet on proper investigation from the petitioner. He further states that non-bailable warrants have already been issued against the petitioner. Further two co-accused persons Arun Sood and Rajdeep Mann have already been declared proclaimed offenders.

5. The above noted FIR was registered on the statement of Smt. Kashmiri Devi aged 65 years who stated that in the month of December, 2014 a call from mobile No.8826001187 was received on her mobile No. 9911651802 wherein the caller informed her that he was speaking from the office of LIC and the complainant had received profit of ₹40-45 lakhs by investing in the shares of LIC. The caller further informed her that she could withdraw the said amount of ₹40-45 lakhs in case she pays an amount of ₹2.50 lakhs as government tax. Since the complainant was an illiterate woman she got carried away and deposited a sum of ₹2.50 lakhs as directed by sending two cheques at the address C-129, Sector-2, Noida. When she

called back after a week that she had not received an amount of ₹40-45 lakhs, one girl named Anju said that there is some more tax due whereafter the complainant will get the amount. Thus the accused cheated the complainant for a sum of ₹12,35,325/- by way of different cheques. The complainant also gave the other mobile numbers from which the calls were received by her and to which she made the calls.

6. On the abovenoted complaint when investigation was carried out, after the FIR was registered besides Kashmiri Devi, ten more persons were found to have been victimised similarly. Thus their statements were also recorded. During the course of investigation, it was revealed that various mobile phones were taken on fictitious names and addresses and part of the money which was deposited by the victims was transmitted to the account of the petitioner Suman Sharma, who is the wife of the main accused Pawan Kumar Sharma who is in custody. The petitioner cannot claim parity with Abhishek Kumar, since Abhishek Kumar was only an employee of Pawan Kumar Sharma and Suman Sharma and moreover he was granted regular bail, after the charge sheet was filed, and not anticipatory bail.

7. Considering the facts and circumstances of the case, I do not find it to be a fit case to grant anticipatory bail to the petitioner.

8. Petition is dismissed.

MUKTA GUPTA, J.

AUGUST 02, 2016
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