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

+ **BAIL APPLN. 1911/2016**

LATIKA NAINIWAL

..... Petitioner

Represented by: **Mr. Neeraj Dahiya, Advocate.**

versus

THE STATE (NCT OF DELHI)

..... Respondent

Represented by: **Ms. Rajni Gupta, APP for the
State with SI Yogendra Kumar,
PS Kapashera.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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20.09.2016

CrI. M.A. No. 14617/2016 (Exemption)

Allowed, subject to all just exceptions.

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1. Issue notice.
2. Learned APP accepts notice on behalf of the State.
3. By the present petition, the petitioner seeks anticipatory bail in case FIR No. 215/2016 under Sections 420/34 IPC registered at PS Kapashera, Delhi on the complaint of one Surender Kumar.
4. The above noted FIR was registered pursuant to directions under Section 156 (3) Cr.P.C. wherein the complainant stated that he was a LIC agent since the year 2000 and the mother of the petitioner used to buy milk from the diary of the elder brother thus she came in contact with the sister-

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in-law of the complainant. During the course of interactions, the complainant expressed his desire to join a government job on which the accused No.1, that is, Meena Nainiwal, the mother of the present petitioner stated that she could get him employed in Customs Department for a sum of ₹10 lakhs. She boasted of her good contacts in the Customs Department as her deceased husband was also employed in that department. She also stated that she got her daughter, that is, the present petitioner employed in the same department on compassionate ground though she was not eligible. On the assurance of Meena Nainiwal, the complainant gave her a sum of ₹10 lakhs however, no government job was made available to him. Further the mother of the petitioner stated that she was in need of financial help as she was to purchase a DDA flat and to maintain harmony in relationship the complainant gave her further sum of ₹15 lakhs which Meena Nainiwal promised to pay back within two-three months. Since neither any job was secured for the complainant nor the sum of ₹25 lakhs was returned, the complainant sought registration of the FIR.

5. Learned APP for the State submits that two cheques amounting to ₹5.50 lakhs and ₹7 lakhs in discharge of the liability of her mother were signed by the petitioner however, when presented they were returned with the reasons 'payment stopped by the drawer'. Further after stopping the payment, petitioner lodged NCR regarding these cheques. Learned APP further submits that the petitioner is earlier also involved in a case.

6. A perusal of the complaint would reveal that there is no allegation whatsoever that any assurance was made by the petitioner or that any amount was entrusted to her.

7. Considering that no role either of any assurance or breach of trust has been levelled against the petitioner and the only allegation is that the two cheques which she gave in discharge of her mother's liability were not honoured for the reason payment was stopped and that the petitioner has already joined the investigation, I deem it fit to grant anticipatory bail to the petitioner. It is, therefore, directed that in the event of arrest the petitioner be released on bail on her furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that she will join the investigation as and when directed by the Investigating Officer and will not leave the country without prior permission of the Court concerned.

8. Petition is disposed of.

9. Order dasti.

MUKTA GUPTA, J.

SEPTEMBER 20, 2016

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