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

+ **BAIL APPLN. 2291/2016**

SMT NARMADA DEVI

..... Petitioner

Represented by: Mr. Ajit Kumar, Mr. Vishal
Chaudhary and Mr. Tabrez
Anwar, Advocates.

versus

STATE (NCT OF DELHI)

..... Respondent

Represented by: Mr. Ravi Nayak, APP for the
State with ASI Harkesh Kumar,
PS Vasant Vihar.
Mr. Anunaya Mehta, Advocate
for the complainant with
complainant in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
14.12.2016

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1. Despite order dated 9th November, 2016 seeking a report from the learned Trial Court as to the delay in framing the charge in the case, no report has been received.

2. By this petition the petitioner seeks bail in case FIR No. 283/2012 under Sections 420/467/468/471/120B IPC registered at PS Vasant Vihar, Delhi.

3. Learned counsel for the petitioner contends that the petitioner has been in judicial custody since 4th September, 2012 and only after this Court passed an order on 9th November, 2016 calling for the report from the learned Trial Court as to why for the last more than four years order on

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charge has not been passed, the learned Trial Court clubbed the two FIRs, that is, FIR Nos. 203/2012 and 283/2012 against the petitioner and framed a common charge in case FIR No.203/2012.

4. Learned counsel for the petitioner further submits that the petitioner is already on bail in case FIR No.203/2012 and there is no justification now for keeping her in judicial custody any further since the complainant of FIR No.283/2012 has been transposed as a victim in FIR No.203/2012.

5. FIR No.283/2012 was lodged against the petitioner on the complaint of one Naresh Kher who stated that before 1st July, 2012 he had been approached by property broker Harish Kalra, Yogender Tokas and Baldev who showed Flat No.169, 2nd and 3rd Duplex, Munirka Vihar, New Delhi for sale. Baldev arranged for the meeting with the petitioner and her son Deepak Varshney who were stated to be the owners of the said flat. During the course of meeting the petitioner and her son represented that the petitioner was the original allottee of Flat No.169 noted above and agreed to sell the flat for a consideration of ₹1.55 crores and in this regard executed an Agreement to Sell-cum-receipt dated 1st July, 2012 on payment of earnest amount of ₹5 lakhs out of which ₹ 1lakh has been paid in cash and ₹4 lakhs by way of cheque. It was also agreed between the parties that Naresh Kher will deposit a sum of ₹65.50 lakhs through RTGS in the Allahabad Bank as the property had been mortgaged. Having found the documents in order the complainant transferred ₹65.50 lakhs through RTGS in the Allahabad Bank. Further an additional sum of ₹6.50 lakhs was also paid to the complainant at the time of formal agreement to sell by the complainant. Later it was revealed that the documents pledged by the petitioner with the Allahabad

Bank were forged and fabricated and that Smt. Narmada Devi, the petitioner herein had executed a sale deed dated 27th November, 2009 for a total sale consideration of ₹60 lakhs in favour of Mahesh Verma and his wife Deepti Verma which was duly registered.

6. Further Narmada Devi also executed an undated receipt-cum-agreement to sell in favour of Gurmeet Singh for the same flat for a total consideration of ₹1,47,50,000/- out of which ₹15 lakhs were paid as advance payment on 20th June, 2012.

7. Without further delving into the merits of the matter it is sufficient to note that the petitioner has been in custody for more than four years now. The complainant of FIR No.283/2012, that is, Naresh Kher is now one of the victim in FIR No.203/2012 registered at PS Vasant Vihar for the same offence and the two FIRs have been clubbed to be tried together as one. The trial is likely to take some time.

8. Thus the petitioner is directed to be released on bail on her furnishing a personal bond in the sum of ₹50,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court, further subject to the condition that she will not leave the country without prior permission of the learned Trial Court.

9. Petition is disposed of.

10. Order dasti.

MUKTA GUPTA, J.

DECEMBER 14, 2016/‘vn’

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