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

\+ BAIL APPLN. 2516/2016

SUNITA DEVI

..... Petitioner

Through: Mr. Baban Kr. Sharma, Advocate

versus

STATE (GOVT. OF NCT DELHI)

..... Respondent

Through: Mr. Mukesh Kumar, APP

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

O R D E R

% **14.12.2016**

The petitioner has filed the present bail application under Section 439 Cr.P.C. The petitioner is an accused in case FIR No. 820/15 registered at police station G.T.B.Enclave under Sections 419/420/406 & 120-B IPC. The petitioner is in judicial custody since 15.06.2016.

The allegation against the petitioner is that the petitioner, her husband Mr. C.V.Singh and her father-in-law Mr. B.M.Singh cheated the complainant and misappropriated the amount entrusted by the complainant into the company of the accused, namely, Prolix Pharma Ltd., amounting to Rs. 40,50,000/-. It was represented to the complainant that Prolix Pharma Ltd. had a turnover of Rs. 700 crores per annum. He was induced into investing his moneys into the said company. The investigation has revealed that the petitioner is one of the Directors of Prolix Pharma Ltd. The moneys invested by the complainant were siphoned off into the account of the petitioner. The status report tendered in court shows that the petitioners are involved in similar cases of cheating and criminal breach of trust in case FIR No. 332/15 dated 04.11.2015 under Sections 420/406/120B/467/468/471 IPC registered at police station Adampur, Distt. Hisar, Haryana. The petitioner states that she has already been granted bail in the said case. The status report shows that there are few other criminal complaints pending against the petitioner.

The submission of learned counsel for the petitioner is that the earlier bail application of the petitioner was dismissed on account of the fact that her husband Mr. C.V.Singh was on the run. He submits that Mr. C.V.Singh has since surrendered and the petitioner is, therefore, deserving of bail in the present case.

The charge-sheet in the case has been filed. However, the charges have not been framed. The evidence in the case has, obviously, not been recorded yet.

Looking to the gravity of the offence as also the fact that the petitioner is involved in several other similar cases, the possibility of the petitioner absconding, if released on bail, and of her tampering with the evidence, cannot be ruled out. The petitioner cannot get away by raising the argument that it is simply a case of the complainant making a voluntary investment into the business venture of the petitioner which has gone bad. The fact remains that the accused induced the complainant into making the investment by falsely proclaiming the credentials of their company and after the investment was made, the moneys were siphoned off into the account of the petitioner. The petitioner is, therefore, not entitled to bail at this stage. Dismissed.

VIPIN SANGHI, J

DECEMBER 14, 2016
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