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

+ **BAIL APPLN. 165/2017**

LAXMI SHARMA

..... Petitioner

Through: Mr. Sangram Singh, Advocate.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Mr. Mukesh Kumar, APP along with
SI Pawan Kumar, PS-Maurya
Enclave, for the State.
Mr. Prashant Diwan &
Mr. Abhimanyu Sehra, Advocates for
the complainant.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
30.01.2017

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Crl. M.A. No. 1592/2017

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

BAIL APPLN. 165/2017

Issue notice. Mr. Mukesh Kumar accepts notice on behalf of the
State. Learned counsel for the complainant is also present.

Status report has been tendered in Court and taken on record.

The petitioner has preferred the present bail application under Section

439 Cr.P.C to seek regular bail in FIR No.289/2016 under Sections 420/ 467/ 468/ 471/ 34 IPC registered at PS – Maurya Enclave.

As per the case of the prosecution, Om Prakash at the instance of the petitioner sold the property in question to the complainant even though the said property did not belong to Om Prakash. So far as the petitioner is concerned, her role in the said fraud is indicated by the fact that she was the tenant in the said shop; the agreement to sell was entered into on 30.03.2016, which too she had signed as witness; the petitioner had received Rs.14,63,000/- from the primary accused Om Prakash through RTGS on 11.04.2016; and, the receipt of the said amount was explained by the petitioner as in relation to a previous agreement dated 02.04.2014, whereunder she had to receive Rs.15.5 Lakhs from the principal accused, which was found to be forged.

I may also observe that the complainant had stated before the learned ASJ that in case the applicant agrees to furnish the bank guarantee for the sum of Rs.14.63 Lakhs, which she had received from the principal accused, the bail application of the petitioner shall not be opposed. The petitioner has not availed of that option.

Mr. Mukesh Kumar points out from the status report that one Praveen Garg has stated that he is the original owner of the disputed property. On enquiry from the complainant/ Praveen Garg, the petitioner Laxmi Sharma was also examined by the police and the statement was recorded on 28.01.2016. Thus, the petitioner was well-aware of the dispute in relation to the property in question pending between Praveen Garg and Om Prakash/ the primary accused. In these circumstances, the connivance of the petitioner cannot be ruled out.

Accordingly, at this stage, I am not inclined to grant bail to the petitioner.

Dismissed.

VIPIN SANGHI, J

JANUARY 30, 2017
B.S. Rohella