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

\+ BAIL APPLN. 315/2017

SAVITRI ..... Petitioner

Through Mr.K.B. Andley, Sr.Adv. with Mr.M. Shamikh, Adv.

versus

STATE ..... Respondent

Through Mr.Ashish Dutta, APP with Insp. Sharat Kohli, PS Mangolpuri.

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

O R D E R

% 02.03.2017

Arguments heard.

The present application has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.795/2015, under Sections 420/120-B/467/468/471 IPC, Police Station Mangolpuri.

The facts in brief are that on 16.04.2015, one Savitri Devi gave a written complaint to the police to the effect that the amount deposited by more than 700 members with the petitioner/accused and others had been misappropriated by them. It was alleged that Mahila Bachat Sangathan was operating which removed the complainant from the said organization and after her removal; Usha, Savitri, Kiran and Geeta misappropriated crores of rupees by conspiring amongst themselves. It was alleged that the members of the organization used to deposit their home savings amount from month to month with Usha at her residence. The said Organization was running for the last 30-35 years and its overall in charge was accused Usha. Usha had purchased four properties from the money of the members. It was further alleged that after the removal of the complainant from the said Organization, a sum of Rs.20,000/- was fraudulently withdrawn by some members from her book by forging her signatures. It was further alleged that one plot bearing Q-11/85-86, Mangolpuri belonged to the Organization but the same was sold by accused Usha and David Stephen.

Argument advanced by the learned counsel for the petitioner is that the petitioner/accused is an illiterate lady and the President of the said Organization. There is no allegation against her with regard to cheating or criminal conspiracy or forgery. It is further submitted that plot No.Q-11/85, Mangolpuri was sold by co-accused persons and not by the petitioner for a sum of Rs.82.5 lakhs, whereas plot No.Q-11/86, Mangolpuri was sold for a sum of Rs.63 lakhs. It is submitted that the petitioner has not received any single penny for the sale of said plots and it was the co-accused persons who received the entire amount of sale consideration. It is further submitted that the petitioner being President of the Organization only executed the Power of Attorney and has no other role to play in the present case.

On the other hand, learned APP for the State has vehemently opposed the bail application on the ground that the modus operandi adopted by the accused persons in the present case is that, firstly, they floated an Organization and took deposits from innocent buyers. There are about 700 members of the said Organization who deposited their money for the last about 30-35 years and the said money of the members has been misused by the accused persons including the petitioner/accused. It is further submitted that the plots purchased from the money of the buyers were sold by the accused persons. It is further submitted that the petitioner/accused has executed the power of attorney in favour of the buyers of the plots for a consideration of Rs.82.5 lakhs and 63 lakhs respectively. It is further submitted that the accused persons have also committed forgery in the documents and that the allegations levelled against the petitioner/accused are serious in nature and thus she deserves no concession of bail.

From the material placed on record and the submissions made by both the sides, it is apparent that the Organization is being run by the accused persons, in which the deposits of many women were made i.e. about 700 in number. It has also been brought on record that earlier Geeta Tiwari was the President of the said Organization and petitioner/accused Savitri was only a member. On 20.09.2010, one Mr.G. Arikapati Lazarus sold the property no.Q-11/85, Mangolpuri to Geeta Tiwari and Smt.Manorama Devi. Later on, Geeta Tiwari and Manorama Devi were removed from the said Organization and petitioner/accused Savitri became its President and co-accused Usha became its Cashier. Earlier, one General Power of Attorney was executed by Gita Tiwari and Manorama on 03.09.2013 vide which they sold the said property for a sale consideration of Rs.7 lakhs. During investigation, it was revealed that Geeta Tiwari never executed any such General Power of Attorney in favour of petitioner/accused Savitri. It is also apparent from the record that on

08.09.2014, petitioner/accused Savitri and co-accused Usha executed another GPA and sold the property bearing no.Q-11/86, Mangolpuri for a sale consideration of Rs.63 lakhs, whereas the second property bearing no.Q-11/85, Mangolpuri was sold through GPA by co-accused Stephen David for a sale consideration of Rs.82.5 lakhs.

It is apparent from the record that there are specific allegations against the petitioner/accused that she committed forgery in the documents and sold the property for a sale consideration in cash.

In view of the above mentioned facts and circumstances, this Court is not inclined to grant bail to the petitioner/accused.

Before parting with the order, this Court would like to place it on record by way of abundant caution that whatever has been stated hereinabove in this order has been so said only for the purpose of disposing of the prayer for bail made by the petitioner. Nothing contained in this order shall be construed as expression of a final opinion on any of the issues of fact or law arising for decision in the case which shall naturally have to be done by the Trial Court seized of the trial.

Bail application is accordingly dismissed.

P.S.TEJI, J

MARCH 02, 2017
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