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

+ **BAIL APPLN. 1577/2016**

**PURNIMA BHATIA**

..... Petitioner

Through Mr. Ajay Burman, Sr. Adv. with Mr.  
Rajesh Harnal, Mr. Harshit Khurana  
& Ms. Sadhvi Gaur, Adv.

versus

**STATE (GOVT OF NCT) DELHI**

..... Respondent

Through Mr. Ashish Dutta, APP.  
Mr. Chander Kant Tyagi, Adv. for  
complainant.

**CORAM:**

**HON'BLE MR. JUSTICE ASHUTOSH KUMAR**

**ORDER**

% **17.05.2017**

The petitioner seeks bail, in anticipation of her arrest, in connection with FIR No.385/2013 dated 23.10.2013 (PS Kirti Nagar) instituted for the offences under sections 406/420/120-B of the IPC.

The prosecution case, in short, is that the complainant was allured into investing money in a property by one Sanjay Bhatia, when that property had earlier been mortgaged by him to a bank for obtaining a loan of Rs.2 crores. The petitioner, who happens to be the wife of Sanjay Bhatia, was present at the time when the agreement to sell was being executed and impressed upon the complainant that the property could be purchased by him and that it would be a good deal.

Learned counsel for the petitioner submits that the petitioner is a lady who is having a spastic child to fend for. She herself is suffering from retinal problem and has lost sight in one of the eyes.

During the course of investigation, the only material which could be collected against the petitioner is that she actively assisted in impressing upon the complainant in purchasing a property which was earlier mortgaged with the bank.

In the present case, chargesheet has been submitted against the Sanjay Bhatia, her husband who has been granted regular bail. Investigation against the petitioner is still pending.

Learned counsel for the petitioner has drawn the attention of this Court to the fact that on several dates, written representation was made to the IO of the case to record her statement but on no occasion was her statement recorded. He further submits that if there were any material against her in the chargesheet, submitted against her husband, the court below could have taken cognizance on the basis of such police report.

Thus for all practical purposes, the petitioner had no role to play in the entire occurrence.

Learned counsel for the complainant, on the other hand, pointed out that the petitioner has two PAN cards and has been evading the investigation.

Taking into consideration the fact that the husband of the petitioner who is also an accused has been granted regular bail and that in the first chargesheet, the petitioner has not been sent up for trial, this Court is persuaded to grant anticipatory bail to the petitioner.

The petitioner shall be released on bail, in the event of her arrest or surrender, on her furnishing a bond in the sum of Rs.25,000/- with two sureties of the like amount to the satisfaction of the arresting officer.

The petitioner shall, however, visit the police station as and when required.

In case, chargesheet is submitted against her, she would ensure her participation in the trial and would not cause any further delay in the disposal of the case. In the event of the petitioner not doing so and not cooperating with the investigating agency, it would be open for the complainant or the state to apply for cancellation of the anticipatory bail granted to the petitioner.

The application is disposed of accordingly.

**ASHUTOSH KUMAR, J**

**MAY 17, 2017**

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