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

+ **BAIL APPLN. 1453/2017**

ARTI DUBEY

.....Petitioner

Through: Mr. Amit Kumar, with Ms. Meenakshi
Dutta, Advocate.

Versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through : Ms. Anita Abraham, APP for the State,
Mr. Harish Kr. Gupta, Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

27.09.2017

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1. By way of the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C.'), the petitioner seeks **grant of regular bail** in FIR No. 245/2017 under Sections 420/468/471 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC') registered at Police Station Aman Vihar, New Delhi.
2. The present case is registered on the complaint of one Ram Chander who stated that the petitioner/accused was his business partner and they manufactured carton boxes in plot no.276-A, Karan Vihar, which is owned by the complainant. He alleged that when the petitioner was asked to vacate the aforementioned property, she threatened the complainant that he would be killed and be dispossessed from the said

property. Complainant further alleged that the petitioner has misappropriated his manufacturing machines and illegally occupied his property on the pretext of forged documents.

3. Learned counsel for the petitioner contended that the petitioner was arrested on 24.11.2016 and since then she has been languishing in judicial custody; that as the investigation in the case is already complete and chargesheet qua the petitioner has been filed, further incarceration of the petitioner for indefinite period would amount to a pre-trial conviction being contrary to the interest of justice; that the petitioner is medically unwell and has been advised surgery of her left eye as she is suffering from vision loss; that the petitioner is a 44 year old married woman having one unmarried daughter to look after; that the petitioner has been granted interim bail by the Special Judge, CBI-01, North West, Rohini, vide order dated 29.05.2017, for 10 days on expiry of which she herself surrendered before the jail authority; that as the alleged documents have been seized and are in the safe custody of the police, there is no chance of the petitioner tampering with the evidence; therefore, in the said circumstances regular bail be granted to the petitioner.
4. Per Contra, Ms. Anita Abraham, learned APP for the State vehemently opposed the bail application of the petitioner and submitted that the petitioner has been actively involved in the commission of the offence; that the petitioner has been threatening the complainant regarding which the complainant has lodged three

complaints on 29.12.2016, 01.12.2016 and 16.02.2016; that the petitioner has forged several documents to acquire illegal possession over the complainant's property; therefore regular bail, as prayed for, be denied.

5. I have heard the learned counsel for the parties and perused the material available on record.
6. The allegations levelled against the petitioner/accused are that the petitioner has forcibly taken the possession of the complainant's property by continuously threatening him. The complainant in his statement under Section 161 Cr.P.C. stated that "I have never sold this plot to Smt. Aarti who forcibly taken possession over my plot after preparing fake documents of the said plot." He also adduced the original GPA, Special Power of Attorney, Agreement to Sell, Will, Registered Affidavit, Possession Letter and Receipt in respect of the alleged property, executed on 19.06.2013 by one Som Dutt in the name of the complainant.
7. During further investigation, the documents by which the petitioner claimed possession over the complainant's property were obtained. The said documents include one GPA, Agreement to Sell, Affidavit, Deed of Will and Possession Letter, executed by Sh. Ram Chander/complainant in favour of Smt. Aarti Dubey/petitioner on 26.04.2010. Statement of one Surender Kumar, working as notary public in the office of Sub-Registrar, Pitampura was recorded under Section 161 Cr.P.C., wherein he stated that "the documents dated

26.04.2010 executed by Ramchander in the name of Smt. Aarti Dubey doesn't bear my signature and there is no entry of these documents on my register also." Further the FSL Report dated 17.11.2016, provides that the documents in question are forged in as much as the same have not been signed by the true owner/complainant. Hence, perusal of the record *prima-facie* reflects commission of the alleged offence by the petitioner .

8. Moreover the last bail application filed by the petitioner before the Additional Session Judge was dismissed vide order dated 10.07.2017 and since then there has neither been any change in the circumstances nor any fresh ground exists in favour of the petitioner for enlargement on bail.
9. Keeping in view the aforementioned facts and circumstances as well as taking into consideration the gravity of the offences alleged, this court does not deem it fit in this case to grant regular bail to the petitioner.
10. Accordingly, the present petition filed by the petitioner is dismissed.
11. Before parting with the above order, it is made clear that observations made in the order shall have no impact on the merit of the case.
12. Petition stands disposed of.

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 27, 2017 gr//