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

+ **BAIL APPLN. 1994/2017**

SUNITA RAJPUT

..... Petitioner

Through: Mr.Samar Vijay Singh and Mr.Amit
Ojha, Advocates.

versus

STATE

..... Respondent

Through: Mr.Kewal Singh Ahuja, APP for the
State with ASI Dushiant, PS Vikas
Puri.
Mr.S.V.Vats, Advocate with
complainant in person.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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27.09.2017

CrI.M.A.Nos.16372-16373 of 2017

1. Exemption allowed subject to all just exceptions.
2. Applications are disposed of.

Bail Appln. No.1994/2017

1. By way of this application moved under Section 438 Cr.P.C., the petitioner is seeking anticipatory bail in case FIR No.277/2017 under Sections 406/420/120-B/34 IPC, PS Vikas Puri, Delhi.
2. Notice. Learned APP for the State accepts notice.
3. Status report has been filed by the State.
4. Mr.Samar Vijay Singh, learned counsel for the petitioner has submitted that prior to registration of this case FIR No.277/2017 under Sections 406/420/120-B/34 IPC, the petitioner Sunita Rajput also got case

FIR No.44/2017 under Section 451/342/365/385/149 IPC registered at PS Rama Mandi, Jalandhar against the complainant of this case and other persons. It has been submitted that the allegations are mainly against Piyush Rajput, son of the petitioner, who has been disowned by her and notice to this effect was published in 'The Tribune' dated 30th September, 2016, copy of which has been placed alongwith this application at page Nos.56-57.

5. Learned counsel for the petitioner has submitted that the petitioner was not dealing with the complainant or any other persons and she had nothing to do with the company SRM Soft & Technologies. The petitioner is ready to join the investigation and she may be granted anticipatory bail.

6. Mr.Kewal Singh Ahuja, APP for the State has submitted that the petitioner was proprietor of SRM Soft & Technologies and she has also received the cash from the complainant and issued the receipts under her signature. Photocopies of two such receipts have been filed by the State. Learned APP for the State also filed copy of FIR No.107/2017 under Section 420/406/120-B PS Mahendra Park wherein the petitioner alongwith her son Piyush Rajput and two other persons namely Suresh Sehdev and Umesh Sehdev has been made an accused. Learned APP for the State prayed for dismissal of the bail application.

7. I have considered the rival contentions and carefully gone through the record.

8. The learned Special Judge, CBI, in the order dated 14th August, 2017 while dismissing the bail application filed by the petitioner seeking anticipatory bail, has noted the details of the victims as well the cheated amount as under:-

'IO has submitted that following victims have been cheated of the amounts mentioned as under:-

	<i>RTGS</i>	<i>Cash</i>	<i>Total</i>
1. <i>Gulashan Kumar (Main complainant)</i>	<i>₹21 lacs</i>	<i>₹19 lacs</i>	<i>₹40 lacs</i>
2. <i>Krishan Kumar</i>	<i>₹10.5 lacs</i>	<i>₹20.10 lacs</i>	<i>₹30.06 lacs</i>
3. <i>Deepak Aggarwal</i>	<i>₹5 lacs</i>	<i>₹5 lacs</i>	<i>₹10 lacs</i>
4. <i>Ms. Soniya</i>	<i>₹10.5 lacs</i>	<i>---</i>	<i>₹10.5 lacs</i>
5. <i>Ms. Renu Grover</i>	<i>₹50,000/-</i>	<i>₹20.5 lacs</i>	<i>₹21 lacs</i>
6. <i>Ms. Amrit Gaur</i>	<i>---</i>	<i>₹40 lacs</i>	<i>₹40 lacs</i>

9. In the case *Lalit Goel vs. Commissioner of Central Excise* 2007 (3) JCC 2282, this Court while dealing with the bail application in a case of Customs Act, observed that the economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. Noticing ever growing materialistic outlook setting unscrupulous elements on a prowl to maximize material gains by unlawful means, this Court even suggested appropriate legislative measures and judicial intervention to safeguard the interest of the State and public at large.

10. In the instant case as per the cash receipt (photocopies), the status of the petitioner in SRM Soft & Technologies is that of a Proprietor. As per the two receipts dated 5th September, 2015 and 8th January, 2016, copy of which have been placed on record by the State today, the petitioner issued the cash receipts under her signature as Proprietor of SRM Soft & Technologies on receiving the amount from the customer. It is a matter of investigation as to whether her signatures are forged by the complainant as

alleged before this Court.

11. In the case reported as Adri Dharan Das Vs. State of West Bengal 2005 III AD (SC) 73, the Apex Court has laid down the guidelines for release on anticipatory bail and in para 19 held as under :-

“19. Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance to maintain law and order in the locality. For these or other reasons, arrest may become inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well-defined and the jurisdictional scope of interference by the Court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under Section 438 of the Code will amount to interfere in the investigation, which cannot, at any rate, be done under Section 438 of the Code.”

12. Considering the nature and gravity of the offence, I do not find it to be a fit case to grant anticipatory bail to the petitioner. Prayer rejected.

13. Application is dismissed.

PRATIBHA RANI, J.

SEPTEMBER 27, 2017

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