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

+ **BAIL APPLN. 1422/2018**

KARISHMA @ PRIYA

..... Petitioner

Through: Mr.Joginder Tuli, Advocate with
Ms.Joshini Tuli, Ms.Divya Jangid, Ms.Babita
Rana, Mr.Shrikant and Mr.Ashu Kumar Sharma,
Advocates.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr.M.P. Singh, APP for State with SI
Narinder, Inter State Cell, Crime Branch,
Chanakya Puri, New Delhi.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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27.06.2018

1. By this application filed under Section 439 of the Code of Criminal Procedure, 1973 (in short 'Cr.PC') read with Section 482 of Cr.PC, the petitioner seeks her interim bail in case FIR No. 148/2017 dated 31.08.2017 under Section 365/397/412/420/467/468/471/201/506/120B/34 of Indian Penal Code, 1860 (in short 'IPC') and Section 27/25/54/59 of Arms Act, PS Crime Branch, Delhi.
2. The ground for seeking the interim bail are that she is a single parent having one minor son aged about 09 years; she has to arrange funds for her sons' education, maintenance and if possible to arrange the better school as presently her son is studying in S.G.N. Doon Vale School, which is upto 08th standard; to meet her minor son whom she had lastly met nine months' back;

to see her mother who is 65 years of age and suffering from several old aged ailments; and to finalize the mutual divorce proceedings pending in the Family Court at Dehradun and to arrange and make payment to her estranged husband to sign the second motion petition.

3. Status report has been handed over in the court, which is taken on record. Copy thereof has been supplied to the learned counsel for the applicant/petitioner.

4. Learned counsel for the petitioner/applicant submits that the application for interim bail was dismissed by the court of learned Additional Sessions Judge-04, East District, Karkardooma Court, Delhi on 18.05.2018. He submits that the petitioner filed a bail application No. 1182/2018 which was dismissed as withdrawn on 06.06.2018 with permission to file fresh application with the copies of the divorce proceedings. He further submits that the petitioner and her husband have already filed the first motion petition before the Family Court, Dehradun and second motion is to be filed after the applicant/petitioner makes the payment to her estranged husband. He submits that for this purpose the applicant is to arrange the necessary funds and attend the divorce proceedings. He submits that the son of the applicant has been residing with her mother and she wants to get her son admitted in a better school. He submits that she could not meet her son whom she had lastly met nine months back.

5. The request of interim bail has been strongly opposed by the learned APP for the State. He submits that the petitioner along with one Aditya Rajput @ Yashashvi Sharma and Amandeep Singh are the main conspirators in the kidnapping and dacoity of the complainant. He submits that there are total eight accused persons in the case namely (1) Aditya Rajput @

Yashashvi Sharma, (2) the petitioner Karishma Rajput @ Priya Thakur, (3) Karamvir Singh, (4) Kunal Sharma, (5) Devinder Chauhan and (6) Sandeep Chaudhary @ Sandy, who have been arrested and are facing the trial. The other two co-accused namely Amandeep Singh and Kuldeep Singh have been absconding and against them proceedings under Section 82 Cr.PC are pending before the learned Magistrate. He submits that the petitioner was in constant touch with Amardeep Singh throughout. He further submits that there are 17 witnesses and the examination in chief of the complainant is being recorded before the trial court and there is every chance of the petitioner fleeing from the justice and attempt to extend threat to the complainant and witnesses in case she is granted interim bail.

6. Learned APP for the State further submits that the complainant was kidnapped and robbed of Rs.36,00,000/- at the gun point by the petitioner with the help of her co-accused in criminal conspiracy with them. He submits that the petitioner and her co-accused Aditya Rajput were arrested from their hideouts at Dehradun though raids were conducted in Goa, Dehradun and Delhi and both these accused persons were residing with fake identities impersonating themselves as husband and wife and their real names were revealed as Priya Thakur and Yashashvi Sharma whereas they are not in fact husband and wife. He also submits that various bank accounts were found in fake names and real name of the accused couple who used to cheat the targets on the basis of fake identity documents.

7. Learned APP further submits that from the investment of booty the applicant had taken a villa on rent at Goa for 11 months. He points out that cases of cheating and human trafficking are already registered in Dehradun against the petitioner and Aditya Rajput and under investigation. He

submits that the petitioner has refused to participate in the judicial TIP proceedings. He submits that in fact the son of the petitioner has been living with his maternal grandparents for the last couple for years and is being looked after by them.

8. I have heard the learned counsel for the petitioner and learned APP for the State.

9. The petitioner Karishma Rajput @ Priya Thakur and other five co-accused persons have been facing trial before the Court of learned ASJ, East District, Karkardooma Courts, Delhi. The complainant is yet to be cross-examined. I find force in the submissions of learned APP that the petitioner is likely to flee from justice or tamper with evidence in case she is released on interim bail. The contention of the petitioner that she has to arrange finance or to get her son admitted in a better school are not bonafide at all since son of the petitioner is being taken care of by his maternal grandparents. It is incomprehensible that the petitioner is to arrange finance for making payment to her estranged husband particularly in view of the fact that the son of the petitioner is not residing with her husband. Moreover, as claimed in the present application the copy of first motion petition filed on 12/06/2017 has not been placed on record to see the terms of the settlement. The copies of the interim order passed by the learned Principal Judge, Family Court, Dehradun reflect that after 12.06.2017, neither of the parties had appeared on 13.12.2017, 12.01.2018, 23.01.2018, 15.02.2018, 26.03.2018, 08.05.2018 and 28.05.2018. The petitioner has been in custody since 27.07.2017. It is not explained as to why her husband did not put in his appearance on the above dates before the Family Court. Moreover, if she intends to appear in Family Court, she can make a request to learned

Principal Judge, Family Court for her production warrants on next date of hearing. It appears that the grounds have been taken by the petitioner to obtain the interim bail which do not appear to be bonafide at all.

10. It would not be out of place to mention that the petitioner has falsely pleaded that on 06.06.2018 her bail application filed in this court was dismissed as withdrawn with liberty to file fresh along with the copies of the documents of divorce petition and details of school of her minor son whereas in fact the bail application on the request of Mr. Joginder Tuli and Ms. Joshini Tuli, learned counsel for the petitioner, was dismissed as withdrawn and next date in the matter was cancelled by this Court.

11. In view of above discussion, the application for interim bail is dismissed being devoid of any merits.

JUNE 27, 2018

"shailendra"

**VINOD GOEL
(Vacation Judge)**