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

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Judgment delivered on: 19.11.2018

+ BAIL APPLN. 2070/2018

SMT. MAMTA SINGH

..... Petitioner

versus

STATE (GOVT. OF NCT) OF DELHI

..... Respondent

Advocates who appeared in this case:

For the Petitioner :

Mr. Alpana Pandey, Advocate.

For the Respondent :

Mr. Hirein Sharma, APP for the State with Insp. Ramesh Chandra, P.S. Dwarka.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

19.11.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No.308/2016 under Sections 420/406/120B/174 IPC, Police Station Baba Haridas Nagar.
2. The allegations against the petitioner are that the petitioner along with her husband was running a chit fund business and was collecting money from several individuals. Approximately 161 people of the locality are alleged to have paid money to the petitioner and her husband approximately amounting to Rs.3.95 crores.
3. Learned counsel for the petitioner submits that the petitioner is a housewife and the allegations, if any, pertain to her husband for running the

said business and she used to sign on documents at the asking of her husband and has no personal knowledge. It is contended that the petitioner has two minor daughters aged approximately 6 years and 8 years and even her husband is in judicial custody.

4. Learned Counsel for the petitioner that in terms of proviso to Section 437, even when an accused is charged with an offence punishable with life imprisonment or death and is a lady, the Trial Court is empowered to grant bail. Learned counsel submits that though such an embargo is not applicable to the High Court in exercise of power under Section 439 Cr.P.C, the legislative intent is that women should be generally enlarged on bail. Learned counsel further submits that investigation so far has only revealed that petitioner allegedly received over Rs.7 lakhs.

5. Learned APP under instructions from the Investigating Officer submits that as on date 161 complaints have been received and 70 persons have given their documents and others are giving documents slowly. He submits that charge sheet qua 61 complainants have been filed and supplementary charge sheet qua 9 complainants is in the process of being finalised for being filed.

6. Petitioner has been in judicial custody since 13.03.2018. Nothing has come on record to show that petitioner has been involved in any other case of any nature apart from the 161 complaints in the present instance. Petitioner has two minor daughters and her husband is also in judicial custody and there is no one else to take care of her children.

7. Without commenting on the merits of the case and keeping in view

the fact that petitioner is in judicial custody since 13.03.2018 and her husband is also in judicial custody and investigation qua the petitioner has been concluded and charge sheet filed, I am of the view that petitioner should be given the benefit of bail subject to conditions.

8. Accordingly, on petitioner furnishing a bail bond in the sum of Rs.25,000/- with two sureties of the like amount subject to the satisfaction of the Trial Court and depositing a sum of Rs.2.5 lakhs with the Trial Court, petitioner shall be released on bail, if not required in any other case. Petitioner shall not do anything which may prejudice the trial or the prosecution witnesses. Petitioner shall not shift her residence from the National Capital Territory of Delhi without the prior intimation to the Trial Court. Petitioner shall also report to the concerned SHO of the police station of her residence on the first Saturday of every month besides appearing before the Trial Court as and when the matter is listed before the Trial Court. Petitioner shall not leave the country without the permission of the Trial Court.

9. Petition is allowed in the above terms.

10. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

NOVEMBER 19, 2018

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