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

\+ BAIL APPLN. 2043/2019

MANJU SINGHAL ..... Petitioner

Through: Ms. Rakhi Dubey and Mr. Sandeep Singh and Mr. Himanshu Gera, Advocates

versus

THE STATE (NCT OF DELHI) ..... Respondent

Through: Mr. G.M. Farooqui, APP for the State with SI Kamlesh Kumar, P.S.: DBG Road Central, Delhi

**CORAM:**

**HON'BLE MR. JUSTICE BRIJESH SETHI**

**<u>O R D E R</u>**

% **04.09.2019**

The present application under section 438 Cr.P.C. read with Section 482 Cr.P.C. has been filed by the petitioner for grant of anticipatory bail on the ground that dispute between the parties is civil in nature, however the same has been given the colour of the criminal complaint. The allegations against the applicant are vague. Prima facie, the allegations are against one Champa Lal proprietorship firm of the husband of the petitioner. The petitioner has unnecessarily been roped in being wife of the proprietor. She is not involved in day to day activities of the proprietorship firm. She has not received any money and nothing is to be recovered from her. She is not involved in any other case and is ready to join the investigation.

It is submitted that petitioner was the owner of the flour mill under the name and style of Radha Ballabh Traders. She had taken overdraft limit from the Oriental Bank of Commerce, Guna Branch, Madhya Pradesh. The amount could not be paid due to business loss. The petitioner was to pay a sum of Rs. 5,38,02,993/- to the bank. The bank official had started threatening the petitioner either to repay the overdraft amount otherwise they will take possession of the flour mill and the same will be sold to realize the amount. The Directors of the complainant company had approached the petitioner and shown their intention to purchase the abovementioned property i.e. Flour Mill through their partnership firm namely M/s. Cressedo Impex. The market value of the flour mill was Rs. 11 crores but the same was sold for a lesser sum and the amount was transferred to NPA account of the petitioner. The petitioner had later agreed to sell the house of her husband. The complainant had purchased the said house, but did not pay the sale price of the house. The husband of the petitioner has filed civil cases against the complainant. It is submitted that the petitioner is innocent and falsely implicated and since the allegations are purely civil in nature, it is prayed that she be released on bail in the event of her arrest.

Learned APP for the State has opposed the anticipatory bail application. It is submitted that there are allegations of cheating of huge amount of Rs. 1 Crore 2 Lakhs against the petitioner/Manju Singhal, her husband/Vinod Singhal and her son Mayank Singhal. The petitioner/Manju Singhal, co-accused Vinod Singhal and Mayank Singhal claimed themselves to be big property owner in Madhya Pradesh including of flour mill in Madhya Pradesh. They allured the complainant that huge profit can be generated by buying their family business/flour mill. The complainant purchased the flour mill and thereafter the petitioner as well as other co-accused persons offered him supply of raw material i.e. chana, wheat and other related products at subsidized/cheaper rates. On the inducement of the petitioner as well as other co accused, complainant initially made a payment of Rs. 30 lakhs which was transferred through RTGS in account No. 06105011000545 of accused Vinod Kumar Singhal maintained at Oriental Bank of Commerce in Guna, Madhya Pradesh for starting the said flour mill. The said goods were to be supplied by the accused persons till 30.01.2019. The complaint further paid a sum of Rs. 65 lakhs to the accused persons from another firm namely M/s. Divine Solutions Pvt. Ltd. for the same purpose. However, even after receipt of payment, the raw material was not supplied for starting the said flour mill. The complainant had then asked the accused persons including the petitioner to refund his amount Rs. 95 Lakhs. However, the accused persons returned Rs. 50 lakhs to gain trust of the complainant and assured to return the remaining amount soon.

It is further submitted by learned APP for the State that after some time accused/petitioner Manju Singhal and co-accused Mayank Singhal had approached the complainant and stated that due to some difficulty they were not able to supply the consignment earlier and assured that if the complainant makes further payment in advance they guarantee the supply of raw material. On this assurance, the complainant again transferred a sum of Rs. 57 Lakhs the account of accused persons. However, the accused persons did not supply the raw material. The accused/petitioner has not joined the investigation and NBWs has been issued against her. There are other accused persons in this case apart from the present petitioner/accused against whom proceedings under section 82 Cr.P.C. have been initiated by the learned Trial Court. It is submitted that since allegations are serious in nature, the anticipatory bail application be dismissed.

I have considered the rival submissions and given my thoughts to the matter. There are allegations that petitioner as well as other co-accuseds have cheated the complainant to the tune of Rs. 1 crore 20 Lakhs. The petitioner is also not joining the investigation and NBW has been issued against her. Other co-accused are also not joining the investigation and proceedings under Section 82 Cr.P.C. have been initiated against them. On the false assurance of the petitioner and other co-accuseds a sum of Rupees One Crore and Twenty Lakhs was paid to them. The investigation is at the initial stage. Custodial investigation of the applicant/petitioner is required to recover the amount. No grounds for anticipatory bail are made out. The application is, therefore, dismissed.

**BRIJESH SETHI, J**

**SEPTEMBER 04, 2019**
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