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

% **<u>Date of Decision: 04.03.2020</u>**

+ **BAIL APPLN. 102/2020**

SMT. SANDEEP DEVI ..... Petitioner

Through: Mr. Arvind KumarPandey, Advocate.

versus

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

Through: Mr Tarang Srivastava, APP for State alongwith SI Ashwani, PS EOW.

CORAM:
HON'BLE MR. JUSTICE BRIJESH SETHI

<u>J U D G M E N T</u>

<u>BRIJESH SETHI, J (ORAL)</u>

1. Vide this order, I shall dispose of an anticipatory bail application filed on behalf of the petitioner Smt. Sandeep Devi under section 438 Cr.P.C. in FIR No. 0025/2019 u/s. 406/420/120-B IPC, PS Economic Offence Wing.

2. It is submitted that petitioner was one of the Directors of her Company namely, Inalsha Industries Private Limited. The said Company was duly registered under the Companies Act. It is submitted that the applicant started the business with good hope and intention to give work / employment to the poor people of the society, specifically women. The petitioner never demanded any amount from the complainant as alleged in FIR.

3. It is submitted that due to recession and other unavoidable

reasons, the company could not work as desired by the petitioner and suffered huge losses. It was unfortunate on the part of petitioner that she failed to arrange further resources and she informed about the poor condition of the Company to concerned persons i.e. complainants but the complainant just to blackmail and extort money from the petitioner lodged the present FIR.

4. It is submitted that the petitioner is a young lady aged about 28 years having responsibility to look after her minor children. It is submitted that the husband of the petitioner namely Rakesh Kumar Sonkar is also one of the accused in the said FIR. It has come to the knowledge of petitioner that proceedings under Sec. 82 of Cr.P.C. has been initiated against her and her husband. In case petitioner and her husband are put behind bar, the children will suffer innumerable pain and agony for no fault.

5. Ld. counsel has submitted that petitioner is ready to join the investigation as and when required and has, therefore, prayed that she be released on bail in the event of her arrest.

6. The application is opposed by the Ld. APP for the State on the ground that the allegations against the petitioner are serious in nature. Custodial interrogation of the petitioner is required for recovery of cheated amount. Ld. APP has, therefore prayed for dismissal of the bail application.

7. I have considered the rival submissions. The present case has been registered on the compliant of Ms. Rupa Rai and others. It has been alleged in the complaint that director Rakesh Kumar Sonkar, Deepak and petitioner Sandeep Devi and other employee of M/s

Inalsha Industries Private Limited (situated at H. No. 55, Mittal Doctor Wali Gali, Molarband, Extension, Badarpur, Delhi) cheated the complainant and other victims on the pretext of giving employment of packaging of Agarbatti & Napthalene balls under the scheme of women empowerment. Accused persons lured the victims by inducing them to become member with the company to earn wages of Rs. 206 per day. The accused persons collected Rs. 200/- & RS. 500/- from members as Member Registration Charges through agent. The accused persons also issued employment letter, job card and work agreement mentioning wages of Rs. 206/- per day to the members. Agents collected registration charges in cash from other members and handedover the same to accused persons and employee of accused company. After collecting huge amount, the accused persons closed their office and ran away without providing any work to members and did not return the collected amount to them. Till now, total 75 agents/victims have filed their complaints with detail. As per information provided by agents/victims an amount of Rs. 1.75 Crore approximately were collected by the accused company. On instruction of accused persons some of the agents/victims have deposited the membership registration amount in bank accounts of accused company and individual bank accounts of accused persons.

8. Statements of agents and members have been recorded. Documents mentioning receiving of membership amount from victims which bear Signatures of Raksh Sonkar and petitioner Ms. Sandeep Devi @ Nikki @ Jasbinder Kaur and other related

documents have been seized. During investigation efforts were made to trace the accused Rakesh Kumar Sonkar and petitioner Ms. Sandeep Devi @ Nikki @ Jasbinder Kaur, but they are intentionally evading their arrest and have run away after closing their offices & their addresses in Delhi.

9. Notice u/s 41A CrPC has also been issued to petitioner and other co-accuseds but the same has been returned undelivered with the remarks that no such person is residing at given address. Efforts were made to arrest accused Rakesh Sonkar and his wife petitioner Ms. Sandeep Devi @ Nikki @ Jasbinder Kaur by obtaining NBW from the Ld. Trial Court but they have been evading their arrest and vide order dated 25.10.19 of Ld. Trial Court, both the co-ccused Rakesh Sonkar and petitioner have been declared proclaimed offender in this case.

10. Perusal of the above facts reveals that there are allegations of huge amount of cheating against the petitioner as well as other accused persons amounting to Rs. 1.75 Crores approximately. Petitioner is not joining the investigation and she has been declared proclaimed offender. Keeping in mind the facts appearing on record and also in view of the fact that petitioner is not cooperating with investigating agency and custodial interrogation of the petitioner is required for recovery of cheated amount, no grounds for anticipatory bail are made out. The anticipatory bail application is, therefore, dismissed.

BRIJESH SETHI, J

March, 04, 2020

Amit