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

+ **BAIL APPLN. 2411/2022**

**MAJOR MUNNI PANKAJ**

..... Petitioner

Through: Mr.Ashok Singh, Mr.Rohit Singh  
Lodhi and Mr.Ranvijay Kumar,  
Advocates

versus

**STATE OF NCT OF DELHI**

..... Respondent

Through: Mr.Amit Sahni, APP for the State.  
Mr.Akash Tyagi, Adv. for the  
complainant.

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***Date of Decision: 07.12.2022***

**CORAM:**

**HON'BLE MR. JUSTICE DINESH KUMAR SHARMA**

**J U D G M E N T**

**DINESH KUMAR SHARMA, J. (Oral)**

**CRL.M.A. 15782/2022 (exemption)**

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

**BAIL APPLN. 2411/2022 & CRL.M.A. 15781/2022**

1. This is an application for grant of anticipatory bail in case FIR No. 232/2017 registered under Section 420/468/471 IPC at P.S.Vasant Vihar.
2. The petitioner is a Major in Indian Army presently posted as NCC officer at Mumbai. The complaint has been lodged by Sh.Swapnil Pandey @ Sonu against his step mother Major (Dr.) Munni Pankaj. The

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petitioner married complainant's father on 08.06.2009 and out of the wed-lock a son namely Master Akshay Rudransh Pandey was born on 08.03.2010. It has been alleged that late Mr.Sunil Kumar Pandey had bought one life insurance policy from Max New York Life Insurance Company Limited on 18.10.2010 and in the said policy, the complainant had alleged that his father had nominated him as his nominee. However later on as his father fell seriously sick on account of brain cancer, the petitioner committed the forgery and changed the nominee as Master Akshay Rudransh Pandey on that policy. In the complaint filed serious allegations have been made regarding the conduct of the petitioner. The complainant has alleged that the petitioner has never fulfilled her duties as wife and in fact has always harassed his late father.

3. *Per contra*, the petitioner has stated that in fact originally Master Akshay Rudransh Pandey was made the nominee but later on the complainant got the nomination changed and subsequently at the advice of her husband, the error was rectified. The petitioner is a serving officer in the army and there is no possibility of her fleeing away from the cause of the justice. It has been submitted that the petitioner shall join the investigation as and when called by the IO.
4. The complainant has opposed the anticipatory bail application on the ground that the petitioner has committed forgery. It has been submitted that he has been seriously prejudiced by the illegal act committed by the petitioner.
5. Learned APP for the State has also opposed the application on the ground that this is a clear cut case of forgery.

6. It is a settled proposition that the basic rule of criminal jurisprudence is bail and not jail. Hon'ble the Supreme Court has observed this time and again that the courts must enforce this principle in practice. It has to be borne in mind that denial of bail amounts to deprivation of personal liberty.
7. In the case of *Siddharam Satilingappa Mhetre vs. State of Maharashtra* (2001) 1 SCC 694, the Supreme court while considering matter relating to grant of anticipatory bail and after exhaustively analysing the rights under Article 21 *inter alia* held that a great ignominy, humiliation and disgrace is attached to the arrest. It was further held that arrest leads to many serious consequences not only for the accused but for the entire family and at times for the entire community.
8. In *Nathu Singh v. State of U.P.* (2021) 6 SCC 64, the Supreme Court *inter alia* held that grant or rejection of an application under Section 438 Cr.PC has a direct bearing on the fundamental right to life and liberty of an individual. Thus, while considering the bail this court has to look into the facts and circumstances of the case so as to ensure that there is no infringement of fundamental rights. Further it was also *inter alia* held that Section 438 Cr.P.C. needs to be read liberally, and considering its beneficial nature, the courts must not read in limitations or restrictions that the legislature have not explicitly provided for.
9. The parameters for grant of anticipatory bail are the nature and gravity of offence, the role attributed to the applicant and the facts of the case. The court also has to consider whether the accused will be available during investigation or not. It is also pertinent to mention here that the

Supreme Court has laid down time and again that unnecessary restrictions or conditions should not be imposed in routine manner. The conditions, which limit the grant of anticipatory bail may be imposed only if they are required in the facts of any case(s). Reliance may be placed upon *Sushila Aggarwal v. State (NCT of Delhi)* (2020) 5 SCC 1.

10. In the present cases, the nature of evidence is substantially documentary in nature and is already in the custody of the investigating agencies.
11. The petitioner in the present case is serving as Major in the Ministry of Defense. It is relevant to note that the petitioner has not misused the interim protection granted to her by this court. There is nothing on the record to suggest that petitioner has not joined the investigation as and when called by the IO. The allegations made in the FIR are broadly that the petitioner had married the late father of the complainant by concealing certain facts and during the marriage, she did not fulfil her marital obligations. Further allegations are that the petitioner committed forgery and changed the name of nominee in the insurance policy from the complainant to her own son.
12. I consider that in the totality of the facts and circumstances, the petitioner in event of arrest be admitted to anticipatory bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of Investigation Officer subject to the following conditions:
  - a) the Applicant shall cooperate in the investigation and appear before the Investigating Officer of the case as and when required;

- b) the Applicant shall under no circumstances leave India without prior intimation of the Court concerned;
  - c) the Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
  - d) the Applicant shall provide his/her mobile number(s) to the Investigating Officer and keep it operational at all times;
  - e) In case of change of residential address and/or mobile number, the Applicant shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.
  - f) the applicant shall also inform the investigation officer about her change in postings.
13. Since the petitioner is presently posted in Mumbai, the IO shall give sufficient time to her to appear and join the investigation.
14. The bail application stands disposed of in the above terms. Pending application also stands disposed of.

**DINESH KUMAR SHARMA, J**

**DECEMBER 7, 2022/rb**