

K. ASHA CHAMBU KALIYAMOORTHY MURTHI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Parminder Walia, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

Reply by way of affidavit dated 15.10.2024 of Assistant Superintendent of Police, Ambala already filed in the Registry is taken on record. Copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
568	06.10.2023	406, 420, 467, 468, 471, 120-B IPC and 24 of Immigration Act	Ambala City, District, Ambala

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner, a lady aged about 42 years is innocent and has been



falsely implicated in this case merely on account of her being working in the office of main accused Manan. He contends that even the amount allegedly received by the petitioner in her account amounting to ₹7.50 lakh was transferred to the account of Manan and has referred to the Bank statement Annexure P-3 in this regard. He submits that petitioner is in custody since 27.11.2023 and challan has already been presented in Court. The petitioner is not involved in any other case, hence he prays for grant of bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition and prayed for dismissal of the bail petition.

6. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered against the petitioner and Manan on the allegations of having duped and cheated the complainant of ₹27 lakh on the pretext of sending the son of complainant to Australia. As per the case of the prosecution ₹7.5 lakh was deposited in the account of the petitioner by the complainant. The petitioner was arrested in this case on 27.11.2023 and since then she is in custody. After completion of investigation, challan has already been filed in the present case triable by the Court of Magistrate and disposal thereof, will take sufficient long time to ascertain criminal liability, if any of the petitioner. It is also worth mentioning here that a perusal of Bank statement (Annexure P-3) of the petitioner would reveal that the amount of ₹7.5 lakh allegedly received by the petitioner has further been transferred on different dates to the account of

main accused Manan. The petitioner is not having any criminal antecedents.

7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

22.10.2024
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No