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

+ **BAIL APPLN. 2136/2023 & CRL.M.A. 16742/2023**

**MAMTA**

..... Applicant

Through: Mr.Kamal Kant Jha,  
Mr.Avinash Singh, Advs.

versus

**STATE THROUGH SHO PS NABI KARIM** ..... Respondent

Through: Mr.Aman Usman, APP with SI  
Amit.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**ORDER**

**03.05.2024**

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1. This application has been filed under Section 438 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') praying for grant of Anticipatory Bail in FIR No. 326/2021 registered at Police Station: Nabi Karim, under Sections 420/34 of the Indian Penal Code, 1860 (in short, 'IPC'). Later, Sections 468/471 of the IPC were also added.

2. The above FIR has been registered on a complaint received from one Yadram Sharma and his brother alleging therein that the complainants are real brothers and were acquainted with the applicant and her family members since 2015. The father of the applicant and the applicant told the complainants that they have sufficient knowledge regarding vacancies in the NDMC and whenever such vacancy would arise, they shall inform the complainants about the same. They later informed the complainants of such vacancy and on their assurance that they shall secure a job for the complainants to the post of a Game Attendant, they demanded Rs.3 lacs as security



deposit which will be refunded. As the accused could not arrange for the appointment of the complainants, they later pretended that the complainants were not qualified for the said job. The applicant is later stated to have executed a Promissory Note dated 21.05.2019 and also issued a cheque in the name of the complainant Yadram Sharma to discharge her liability towards debt of Rs.3 lacs. The cheque, however, could not be honoured as it was torn. The complainants again contacted the accused, and she assured that she will issue another cheque. After many attempts, the applicant in discharge of her liability issued cheque dated 04.11.2019. The same, however, was returned unpaid by the bank due to '*insufficient funds*'. The complainants alleged that in this manner, the applicant alongwith her family members have cheated the complainants.

3. The learned counsel for the applicant submits that the entire story given in the complaint is a concocted one. He submits that the applicant had borrowed Rs.80,000/- from the complainants as her son was seriously ill. Later, the complainants demanded Rs.3 lac from the applicant on the threat of outraging her modesty. A complaint in this regard has also been filed by the applicant. He further submits that the father of the applicant has remained in custody from 15.10.2022 to 18.03.2024 before being granted *interim* bail.

4. On the other hand, the learned APP submits that co-accused have disclosed that it was the applicant who was the mastermind of the fraud and had procured the false appointment letter. He further submits that earlier, the applicant was absconding and NBWs were issued against her. Proceedings under Section 82 of the Cr. P.C. were



also initiated against her. These proceedings have later been recalled by the learned Trial Court, with a direction to the applicant to join in the investigation. He submits that though the applicant has joined the investigation on 30.04.2024, she did not co-operate in the same and has vehemently denied her role.

5. I have heard the submissions of the learned counsels for the parties.

6. Keeping in view the nature of the allegations made against the applicant in the FIR; fact that the father of the applicant has remained in custody for a long period of time; and subject to the condition that the applicant shall join the investigation as and when called for, the applicant is directed to be released on bail in the event of her arrest in FIR No. 326/2021, under Sections 420/468/471/34 of the IPC registered at Police Station: Nabi Karim, subject to furnishing a personal bond in the sum of Rs.10,000/- with one local surety of the like amount to the satisfaction of the IO/Arresting Officer/SHO concerned, and further subject to the following conditions:

- (i) that the applicant will join investigation as and when directed, in writing;
- (ii) that the applicant shall not leave NCT of Delhi without intimating the IO/SHO concerned;
- (iii) that the applicant shall not, directly or indirectly, try to contact/influence the complainant/victim or any other witness(s) or tamper with evidence of the case; and,
- (iv) that the applicant shall furnish her mobile



phone/landline number and residential address to the IO/SHO concerned and shall keep her mobile/landline phones operational at all times during this period, and in the event of any change of the same, will immediately inform the same to the IO/SHO.

7. Needless to state, any observation touching upon the merits of the case is purely for the purposes of deciding the question of grant of Bail and shall not be construed as an expression on the merits of the matter.

8. The Bail Application is disposed of in the above terms

**NAVIN CHAWLA, J**

**MAY 3, 2024/Arya/RP**

*[Click here to check corrigendum, if any](#)*