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

+ **BAIL APPLN. 2159/2024**

SUNITA RANI

.....Petitioner

Through: Mr. Mukul Singh and Ms. Ira Singh,
Advocates.

versus

STATE

.....Respondent

Through: Mr. Satish Kumar, APP with SI
Saurabh, P.S.: Malviya Nagar.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

16.07.2024

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The matter has been received by way of supplementary listing, by reason of non-availability of the Roster Bench.

2. By way of the present petition filed under section 439 of the Code of Criminal Procedure 1973 ('Cr.P.C'), the petitioner seeks regular bail in case FIR No.122/2023 dated 15.02.2023 registered under sections 403/408/120B of the Indian Penal Code, 1860 ('IPC') at P.S.: Malviya Nagar, New Delhi. Consequent upon completion of investigation, *vide* chargesheet dated 27.12.2023, the offence under section 420 IPC has also been added.
3. Notice on this petition was issued on 24.06.2024. Status report dated 15.07.2024 has been handed-up in court. The same is taken on record.
4. Mr. Mukul Singh, learned counsel appearing for the petitioner submits, that the petitioner is a lady, about 70 years of age, and is the mother of the main accused namely Divya Rani.



5. Mr. Singh submits that investigation in the matter is complete. Chargesheet dated 27.12.2023 has been filed in the matter. It is submitted that the petitioner has been charged in the present case based only on the fact that a sum of Rs.56,55,730/- was credited to her bank account at the Kotak Mahindra Bank from the account of the company for which her daughter used to work as a Human Resources Executive.
6. Mr. Singh submits, that as the chargesheet narrates, what has been held against the petitioner is that she (and her husband, Purshotam Dass, who is the father of Divya Rani) were *continuously in touch* with the main accused Divya Rani (their daughter); but that they are not providing any details regarding the whereabouts of their daughter nor the details of the money received in their accounts. It is further narrated in the chargesheet that accused Divya Rani is absconding and the money is yet to be recovered from her.
7. Learned counsel submits, that as can be seen from the particulars of the said account at Kotak Mahindra Bank as collected in the course of investigation, though the account is held in the petitioner's name, the mobile number and e-mail ID furnish to the bank in relation to the said account is of the petitioner's daughter. It is argued, that the petitioner was not controlling the said account and since the mobile number and e-mail ID associated with the account was that of her daughter, the petitioner was not even aware if any money had been received or deposited into her account.
8. Mr. Singh submits that the petitioner had a part-time job of binding books but is otherwise a homemaker. It is submitted that, in any case,



the petitioner cannot be kept in *judicial custody* merely because she has not divulged the whereabouts of her daughter, who is stated to be absconding.

9. Mr. Singh points-out, that other things apart, *vide* order dated 17.05.2024 made in Bail APPL. No.1383/2024, a Co-ordinate Bench of this court has already granted regular bail to the petitioner's husband Purshotam Das, namely the father of the main accused/Divya Rani, who was also implicated in the same case on the same basis that he had received a sum of about Rs.24,343/- in his account from the company in which his daughter used to work.
10. Learned counsel argues, that it is their submission, that money was being transferred from the account of the company where the daughter used to work *in an effort on the part of the company to evade tax*. Be that as it may, learned counsel submits that the petitioner is totally innocent of the nature of the transaction and has no connection with the money that was transferred into her account, without her knowledge or consent.
11. On the other hand, learned APP appearing for the State submits that though they do not deny that the main accused in the matter is the petitioner's daughter Divya Rani, the fact that a large sum of money of Rs. 56,55,730/- was transferred into the petitioner's bank account, which she is unable to explain, the petitioner is not entitled to claim parity with her husband (who has been granted bail) since the money received in the husband's account was only Rs.24,343/-.
12. Be that as it may, without commenting on the merits of the evidence collected and the allegations contained in the chargesheet, considering



the fact that the petitioner is a lady of more than 70 years of age; that investigation is complete and chargesheet has been filed; and that the petitioner's account has already been seized, the petitioner/Sunita Rani wife of Purshotam Das is admitted to regular bail during the pendency of the trial, subject to the following conditions:

- 12.1. The petitioner shall furnish a personal bond in the sum of Rs. 25,000/- (Rs. Twenty-five Thousand Only) with 02 sureties in the like amount from family members, to the satisfaction of the learned trial court.
- 12.2. The petitioner shall furnish to the Investigating Officer a cellphone number on which she may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
- 12.3. If the petitioner has a passport, she shall surrender the same to the learned trial court and shall not travel out of the country without prior permission of the learned trial court.
- 12.4. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.
- 12.5. In case of any change in her residential address/contact details, the petitioner shall promptly inform the Investigating Officer.
13. Nothing in this order shall be construed as an expression of opinion on the merits of the pending matter.



14. A copy of this order be sent to the concerned Jail Superintendent *forthwith*.
15. The application stands disposed-of.
16. Other pending applications, if any, are also disposed-of.

ANUP JAIRAM BHAMBHANI, J

JULY 16, 2024/ak