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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2235/2024**
KRISHNA SASMAL

.....Petitioner
Through: Mr. Pramod Kmar Dubey, Sr.
Advocate with Mr. Nitesh Kmar
Singh, Ms. Pinky Dubey, Mr. Amit
Kumar Thakur, Mr. Anurag Andley,
Mr. Aditya Andley, Ms. Amrita
Vatsa, Mr. Satyam Sharma, Ms.
Aditi, Ms. Ritvika oswal and Mr.
Sahil N., Advocates.

versus
THE STATE OF NCT DELHI AND ANR

.....Respondent
Through: Mr. Manoj Pant with Mr. Himanshu J.
James, Advocate with Insp. Naveen
Kumar, P.S. Karol Bagh.
Dr. Alok, Mr. Siddharth Narang, Ms.
Aanchal Budhraj, Mr. Mayank
Deswal, Mr. Shivam and Mr.
Dhananjay Mittal, Advocates for R-2.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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03.07.2024

CRL.M.A. 18971/2024 (under Section 482 Cr.P.C for Exemption)

1. Allowed, subject to just exceptions.
2. The application is accordingly allowed.

BAIL APPLN. 2235/2024

3. A Bail application under Section 439 Cr.P.C has been filed on behalf



of the applicant Krishna Sasmal, a lady who is 58 years old and is in Judicial Custody since 14.06.2024.

4. The allegations against the complainant are essentially that her husband who is a jeweller had been given about 6 Kg. of gold including the ancestral jewelry by the complainant to be made into new jewelry under the false inducement by the accused as well as her husband Tapan Sasmal. The Policy Custody has already been taken of the applicant for five days, but no recovery has been effected.

5. It is further submitted that this is an old case of 2021. Initially, the complaint was registered against the accused, her husband, daughter and son-in-law in Gurgaon, where the investigations were duly carried out by the Gurgaon Police, which gave a finding that the alleged place where the gold was handed over by the complainant to the accused persons was found to be under construction and non-existent, that receipt vide which the complainant had allegedly given the gold to the husband of the accused was found to be apparently forged; and there was no eye witness to the alleged handing over of the gold and jewelry to the accused persons.

6. After having not succeeding before the Gurgaon Police, which has closed the case, the fresh complaint has been made with the Police in Delhi, wherein the entire issue has been re-agitated. The husband of the accused has already been granted Anticipatory Bail on 18.06.2024 which is further extended by the Order dated 29.06.2024. The husband is regularly joining the investigations. The lady without being served with a proper Notice under Section 41.1 Cr.P.C and without disclosing the grounds of arrest in writing, has been arrested surreptitiously on 14.06.2024. Now no purpose would be served by retaining the lady in judicial custody as jewellery/gold



was already been recovered. She is willing to abide by any terms which may be imposed while granting the bail.

7. **Learned Prosecutor on behalf of the respondent** submits that there is one eye witness Vidyut Jana Manager of the husband of the accused whose statement under Section 164 Cr.P.C has been recorded, who has stated that the gold/jewelry was given to the husband of the applicant, in his presence. Furthermore, the bail is essentially being opposed on the ground that the threats have been extended to the witness by the husband and other relatives of the applicant.

6. **Submissions heard.**

7. Essentially, the applicant is a lady aged 58 years who is in custody since 14.06.2024. The ground on which the bail is being opposed is that the husband is extending threats to the complainant and the witnesses. However, the husband has already been granted Interim Anticipatory Bail on 18.06.2024 which has been further extended on 29.06.2024.

8. Considering the totality of circumstances, the applicant is granted on furnishing the personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/ concerned Court/Duty M.M. and subject to the following further conditions:-

i) The applicant shall not leave the NCR without prior intimation to the I.O.

ii) The applicant shall provide his mobile number to the Investigating Officer on which, he will remain available during the pendency of the trial.

iii) In case of change of residential address or contact



details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.

iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.

v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.

9. The bail application is disposed of in the above terms.

10. Copy of the order be communicated to the learned M.M. and the concerned Jail Superintendent electronically for information.

11. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

NEENA BANSAL KRISHNA, J

JULY 3, 2024/va