$~8

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

\+ BAIL APPLN. 3635/2023 & CRL.M.A. 5472/2024 (Add. Documents)

NEETU @ RITU ..... Petitioner

Through: Mr. Nishank Tyagi, Mr. Gaurav Jain & Mr. Akash Aggarwal, Advocates.

versus

STATE (NCT OF DELHI) ..... Respondent

Through: Mr. Hemant Mehla, APP for the State SI Manoj Kumar, P.S. EOW.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

<u>O R D E R</u>

% **13.03.2024**

1. The present application under Section 439 of the Cr.P.C. seeks regular bail in case FIR No. 205/2021, under Sections 406/409/420/120 of the IPC, registered at P.S. EOW, Delhi.

2. The case of the prosecution is that the present FIR was registered on the complaint filed by Smt. Usha Singh, w/o Sh. Pradeep Kumar Singh, wherein it was alleged that the present applicant and her husband/Pawan Kumar used to run their jewellery shop in the name of Kritika Jewelers for the last 08-10 years. It is alleged that initially both the accused persons started to issue lucky draw scheme paper cards in which monthly installments had to be paid by the customers and after completion of 17 months of that invested amount, promise was made to them to repay the same with profit. It is further alleged that rewards in the form of cash and gold were also offered on that scheme per month by organizing a lucky draw

to lure people to invest in the scheme. It is alleged that on the aforesaid inducement money was deposited with the applicant and her husband. After registration of FIR, investigation was conducted and statements of 37 alleged victims were recorded, who have stated about their respective investments with the applicant and her husband. It is also stated that on the arrest of applicant and her husband, a total 6.743 kg silver jewellery and 260 grams gold jewellery having stones was recovered from their possession. It is also stated in the status report that two lucky draw scheme cards which were used by them to cheat victims were also recovered at the instance of the husband of the applicant. It is also pointed out that during the course of the investigation, three properties purchased by the applicant and her husband have been identified, which have been sold by the applicant and her husband.

3. Learned counsel for the applicant submitted that the applicant in the present FIR was arrested on 31.07.2023 and has been in judicial custody since then. It is further submitted that the applicant along with her husband were in the business of running the jewellery shop in the area of Uttam Nagar for nearly two decades.

4. Learned counsel for the applicant draws attention of this Court to discrepancy in the statement of witness, namely, Beena Devi, as per prosecution case she was allured to give Rs. 4,50,000/- however in the statement under Section 161 of the Cr.P.C. she had given only Rs. 45,000/-. Similarly, it is pointed out that as per the case of the prosecution, the amount which has been verified from the acknowledgement cards given by the victims to the Investigating Officer, i.e., Rs. 10,00,000/-. Rest of the money by the victim as per their statement was without any evidence of the same. It

is further submitted that the chargesheet stands filed and investigation *qua* the present applicant is complete. It is further stated that the applicant is the mother of three minor children, the youngest being 04 years of age, who are currently living with different relatives and need care and custody of the present applicant. It is also submitted that the applicant had been released on interim bail previously and had duly surrendered without misusing the liberty granted to her.

5. Per contra, learned APP for the State, on instructions of the Investigating Officer, submits that so far as the discrepancy in the amount deposited by the complainant is concerned, there seems to be a typographical error in the statement recorded under Section 161 of the Cr.P.C. It is further submitted that the applicant was arrested after issuance of non bailable warrants. It is further submitted that there are 37 victims who were cheated by the present applicant and her husband. It is also pointed out that the property purchased by the present applicant and her husband from the cheated money has been sold by them.

6. Heard learned counsel for the parties and perused the record.

7. As per the case of the prosecution, the present applicant and her husband were running a jewellery shop in the area of Uttam Nagar for nearly two decades. It is the case of prosecution that the residents of that area were dishonestly induced by the applicant and her husband to deposit money in their schemes. On a pointed query, the Investigating Officer, present in Court submitted that as per the acknowledgment card given by the victim, a sum of Rs. 10,00,000/- has been verified during the course of the investigation. It is noted that the chargesheet in the present case stands filed and charges are yet to be framed and the prosecution has cited 50

prosecution witnesses. The applicant is the mother of 03 minor children, the youngest being 04 years of age, who needs care and attention of the applicant. So far as the apprehension of learned APP for the State with regard to applicant being a flight risk, it is noted that the nominal roll reflects that the applicant had been released on interim bail and without misusing the liberty she duly surrendered before the concerned Jail Authorities. As per nominal roll, as on 05.03.2024, the present applicant has undergone custody of 01 year and 07 days and has no previous involvement in any other case.

8. In totality of the facts and circumstances, the present application is allowed. The applicant is directed to be released on bail on her furnishing a personal bond in the sum of Rs. 50,000/- with two sureties of like amount subject to the satisfaction of learned Trial Court/Link Court, further subject to following conditions:

i. The applicant shall not leave NCT of Delhi without prior permission of the learned Trial Court.

ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.

iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.

iv. The applicant is directed to give her mobile number to the Investigating Officer and keep it operational at all times.

v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.

9. The application is allowed and disposed of accordingly.

10. Pending applications, if any, also stand disposed of.

11. Needless to state that nothing stated hereinabove is an opinion on the merits of the case.

12. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.

13. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

MARCH 13, 2024/bsr