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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 2656/2024, CRL.M.A. 22124/2024
& CRL.M.A. 22125/2024

KAMLESH SONI

.....Applicant

Through: Mr. Abhishek Kukkar &
Mr. Kunal Choudhary,
Advs.

versus

STATE OF GOVT. OF NCT OF DELHIRespondent

Through: Mr. Ajay Vikram Singh,
APP for the State.
SI Ganga Pal, PS EOW.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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13.09.2024

1. The present application is filed seeking pre arrest bail in FIR No.105/2022 dated 05.07.2022, registered at Police Station Economic Offences Wing for offences under Sections 420/406/120B of the Indian Penal Code, 1860 (**IPC**).
2. It is not disputed that the allegations in the FIR were made against the husband of the applicant, who was subsequently arrested on 20.04.2023 and has been in custody since then. The chargesheet was also filed under Sections 420/406/409/120B of the IPC and Sections 21/23 of the Banning of Unregulated Deposit Schemes Act, 2019. The applicant has been put in column 12.
3. The learned counsel for the applicant submits that the applicant was recently called for investigation and she apprehends that she would be falsely implicated in the present case.

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4. The learned APP for the State submits that during the course of the investigation, the statements of certain more victims were taken and some of them stated that the applicant had also taken money from them for the purpose of investments and the money has not been returned.

5. The learned counsel for the applicant submits that the applicant is a housewife and has joined investigation. He submits that the husband of the applicant is in custody from last more than one year and the applicant is sought to be falsely implicated to create pressure for returning the money. He submits that the applicant has nothing to do with the money being allegedly cheated by applicant's husband.

6. Undisputedly, the husband of the applicant was arrested way back on 20.04.2023 and the chargesheet was already filed. It appears that on a subsequent stage, the statements of certain victims were recorded who claimed that money was given to the applicant as well which led the police to become active again. The applicant has already joined the investigation.

7. In the opinion of this Court, the custodial interrogation of the applicant is not required.

8. In view of the above, the present application is allowed and it is directed that in the event of arrest, the applicant be released on bail on furnishing a bail bond of ₹25,000/- with two sureties of the like amount subject to the satisfaction of the concerned SHO, on the following conditions:

- a. The applicant shall join and cooperate with the investigation as and when directed by the IO;
- b. The applicant shall not leave the country without taking permission of the learned Trial Court;



- c. The applicant shall ~~not~~ contact the complainant / witnesses or tamper with the evidence in any manner;
- d. The applicant shall give her mobile number to the concerned IO/SHO and shall keep her mobile phone switched on at all times;
- e. The applicant shall provide the address of her residence to the IO/SHO and shall not change the same without informing the concerned IO/SHO.

9. In the event of there being any violation of the stipulated conditions, it would be open to the State to seek redressal by filing an application seeking cancellation of the bail.

10. It is clarified that the observations made in the present order are for the purpose of deciding the present pre-arrest bail application, and should not influence the outcome of the Trial and should not be taken, as an expression of opinion, on the merits of the case.

11. The bail application is allowed in the aforesaid terms.

AMIT MAHAJAN, J

SEPTEMBER 13, 2024

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