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

+ **BAIL APPLN. 4222/2023**

KIRAN GAHLOT

.....Petitioner

Through: **Mr.Ravi Ketan Bhardwaj, Advocate**

versus

STATE OF NCT OF DELHI

.....Respondent

Through: **Mr. Yudhvir Singh Chauhan, APP
with SI Vijay Kumar, Dwarka
District.
Ms.Gyanpreet Kaur, Advocate for
Complainant.**

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

**ORDER
23.10.2024**

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1. The instant application under Section 438 of the Code of Criminal Procedure, 1973 (hereinafter as the “Cr.P.C”) (now Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023) has been filed on behalf of the applicant seeking anticipatory bail in FIR bearing no. 475/2021 registered at Police Station – Dwarka Sector-23, Delhi for the offences punishable under Sections 420/467/468/471/120B/34 of the Indian Penal Code, 1860 (hereinafter as the “IPC”).

2. During the course of arguments, the learned APP for the State placed an updated status report dated 14th October, 2024 before this Court and the same is taken record.

3. Learned counsel appearing on behalf of the applicant submitted that



the applicant is a housewife having two minor children and was not involved in any of the transactions as alleged in the FIR.

4. It is submitted that the applicant has no knowledge or been an active participant with respect to the transactions which took place in her bank account as the said account was utilised by and in control of her husband, who is a co-accused in the case. Therefore, the applicant is innocent of the transactions taken place in her bank account.

5. It is submitted that the applicant has not opened the bank accounts or signed any documents for opening of the bank accounts in her name with respect to the alleged transactions recorded in the same.

6. It is further submitted that the applicant had joined the investigation earlier on two accounts i.e., 16th September, 2023 and 19th September, 2023 and therefore, custodial interrogation of the applicant is not required and she further undertakes to cooperate with the investigation agency. In view of the same, it is prayed that the instant application may be allowed.

7. *Per contra*, learned APP appearing on behalf of the State vehemently opposed the instant application submitting to the effect that the custodial interrogation of the accused is required so as to ascertain the trail of money in the said transactions. It is submitted that the applicant is involved in another similar case and that she may commit a similar offence if the protection is granted by this Court.

8. It is further submitted that during interrogation, the applicant refused to answer any of the queries posed by the Investigating Officer as to why multiple bank accounts were opened in her name.

9. It is also submitted that despite issuing Non-Bailable Warrants, she failed to appear for the proceedings before the Court concerned and



accordingly, proceedings under Section 82 of the Cr.P.C have been initiated against her.

10. It is fairly conceded by the learned APP for the State that the proceedings under Section 82 of the Cr.P.C have been initiated before the Court concerned only on the ground that the applicant has moved an application for anticipatory bail. However, it is submitted that in view of the facts and circumstances of the case, the applicant is not entitled for any concession by this Court.

11. Heard learned counsel for the parties and perused the material on record.

12. While granting anticipatory bail, various factors play a significant role in affecting the case such as the antecedents of the applicant, nature and gravity of the accusations, apprehension of tampering the evidence etc., as observed by the Hon'ble Supreme Court in the case of ***Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694***. It is also pertinent to note that the said factors are not exhaustive in nature and the applicability and relevancy of such factors differs from one case to another.

13. Upon perusal of the Status Report, it is observed that the applicant is involved in another similar case arising out of FIR bearing no. 254/2022, however, the same is pertaining to the transactions allegedly involving her bank account. It has been further stated in the said status report that the applicant did not join the investigation and proceedings were initiated against her under Section 82 of the Cr.P.C. However, it was conceded before this Court that the said proceedings were initiated only on the ground that the applicant moved an anticipatory bail application.

14. In the instant case, it is observed that the applicant is a housewife



with two minor children and her husband, a co-accused in the instant case, has been languishing in judicial custody since more than 120 days. Moreover, an undertaking has also been given by the applicant that she will cooperate with the police in the investigation and shall remain present before the Investigating Officer and the Court concerned as and when required.

15. Therefore, keeping in view that the applicant herein is a housewife with two minor children and that she has given an undertaking to join the investigation as and when required, along with the law laid down by the Hon'ble Supreme Court, this Court is inclined to grant protection to the applicant.

16. Accordingly, it is directed that in the event of arrest, the applicant be released on bail on her furnishing a personal bond in the sum of Rs.2,00,000/- (Rupees Two lacs only) with one solvent surety of the like amount to the satisfaction of the Investigating Officer/Court concerned subject to the conditions as follows:-

- a) The applicant shall surrender her passport, if any, to the Investigating Officer and shall under no circumstances leave India without prior permission of the Court concerned;
- b) The applicant shall cooperate in the investigation and appear before the Investigating Officer/Court concerned of the case as and when required;
- c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;



- d) The applicant shall provide her mobile number(s) to the Investigating Officer and keep it operational at all times;
- e) In case of change of residential address and/or mobile number, the same shall be intimated to the Investigating Officer/Court concerned by way of an affidavit.

17. With the aforesaid directions, the instant bail application is allowed and stands disposed of along with pending applications, if any.

18. It is made clear that the observations made herein, touching upon the merits of the case, are purely for the purpose of deciding the question of granting of protection to the applicant, which shall not be construed as an expression of observations on the merits of the case.

CHANDRA DHARI SINGH, J

OCTOBER 23, 2024
SV/MK

Click here to check corrigendum, if any