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

+ **BAIL APPLN. 4226/2023 & CRL.M. (BAIL) 1773/2023**

PRIYANKA

..... Petitioner

Through: Mr. Kailash Ray, Mr. R.K. Pandey
and Mr. Shivendra Singh, Advocates.

versus

STATE OF DELHI NCT OF DELHI

..... Respondent

Through: Ms. Shubhi Gupta, APP for the State
with Insp. Mahendra, PS: Mukherjee Nagar.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

27.02.2024

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1. This is an application preferred on behalf of Applicant Priyanka D/o Sh. Mewa Lal under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No. 900/2023 dated 13.10.2023 under Sections 384/34 IPC registered at PS: Mukherjee Nagar.

2. As per the case of the prosecution, coming forth from the FIR, the Complainant and her family have been residing in House No.C-3B, Vijay Nagar, Delhi since 1977 as the house is owned by the mother-in-law of the Complainant through a valid Conveyance Deed. In 1988, father-in-law of the Complainant let out the ground floor of the property on rent to Inderjeet Nanda, who continued to occupy the premises till 2021. Despite repeated requests, he did not vacate the premises under occupation. After a meeting held between Inderjeet Nanda and the Complainant along with a property dealer, Inderjeet Nanda agreed to vacate the property in lieu of taking Rs.1,02,00,000/- and Memorandum of Understanding ('MoU') was executed



to this effect on 15.03.2021, duly signed by both parties. In furtherance thereof, husband of the Complainant handed over Rs.40 lacs to Inderjeet Nanda, which was duly acknowledged by him followed by a further payment of Rs.62 lacs. Despite the agreement and taking the money, Inderjeet Nanda only handed over part of the property and thereafter started threatening and extorting the Complainant and her husband, which actions are visible in a video recording, in which the Applicant can also be explicitly seen extorting and threatening. It was stated in the complaint that the Complainant and her husband are old-aged couple, suffering from various ailments and therefore, necessary action be taken against the Applicant and Inderjeet Nanda.

3. Learned counsel for the Applicant, on the other hand, submits that the Applicant is innocent and has been falsely implicated by the Complainant and her husband. The dispute in question is entirely civil in nature relating to letting out of a property and has been given the colour of criminality only to harass the Applicant. Even assuming that the allegations are correct, ingredients of Section 384 IPC are not made out in the present case. The investigation is primarily based on documentary evidence and the Applicant has joined investigation and is co-operating. Court had directed the Applicant to give her voice sample to the IO for investigation, which has been done and the sample has been sent for examination. It is thus prayed that the Applicant be released on anticipatory bail subject to any conditions that this Court may impose. Applicant is 23 years of age and belongs to a poor family with liability to maintain her family members apart from studying and doing job and incarceration will affect not only her life but the life of her family members who are totally dependent on her for livelihood.



4. I have heard learned counsel for the Applicant and the learned APP for the State.

5. Learned APP has fairly stated that Applicant has joined investigation and is co-operating. Voice sample has been given to the IO and has been forwarded for examination. It is not disputed that Applicant has not tampered with any evidence or threatened and/or intimidated the Complainant, her husband or any other person associated with the present case. It is also not the case of the State that the Applicant is a flight risk or is required for custodial interrogation. In fact, the dispute in the present case has its genesis in letting out of a part of the property, as aforementioned and the investigation is primarily centred around documentary evidence.

6. Looked at holistically, Applicant has made out a case for grant of anticipatory bail. It is thus directed that in the event of arrest, Applicant shall be released on bail, on furnishing a personal bond in the sum of Rs.25,000/- with two sureties of the like amount to the satisfaction of the concerned Trial Court and further subject to the following conditions:-

- i. Applicant shall not leave the country without prior permission of the Trial Court;
- ii. She shall furnish her mobile number to the IO and keep the same active at all times and shall not change the mobile number without prior intimation to the IO and the Trial Court;
- iii. She shall appear before the Trial Court and/or for any further investigation, as and when required and summoned for the same;



- iv. She shall not, directly or indirectly, make any inducement, threat or promise to any person associated with the case and/or the Complainant or her husband; and
 - v. She shall intimate her current residential address to the IO and intimate any change in the same to the IO and the Trial Court by an affidavit.
7. Application stands disposed of in the aforesaid terms, making it clear that this Court has not expressed any opinion on the merits of the case. Pending application also stands disposed of.

JYOTI SINGH, J

FEBRUARY 27, 2024/shivam/KA