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

+ **BAIL APPLN. 2457/2025**

MONIKA RANI

.....Petitioner

Through: Mr. Shubham Sharma, Mr. Ankit
Kankarwal, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP with SI
Ramvatar, PS Vasant Kunj.
Mr. Ankur Singhal, Adv. for
complainant.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER
20.11.2025

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1. This is the second anticipatory bail application filed by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.438/2018, under Sections 420/406/120 B IPC, registered at P.S. Vasant Vihar.
2. The FIR was filed after the complainant alleged that he was deceived by Monika Rani, her husband Sandeep, his younger brother, and their employee Ramesh, who had advertised a business scheme in July 2018 promising high returns on investment in the supply of construction material. On their assurances, the complainant visited Yamuna nagar, he was shown purported business sites and was induced to create a firm and invest Rs. 11,60,000 between 7-17 August 2018, with a promise of profits within 22



days. After receiving the money, the accused stopped responding, failed to return either the investment or profits, and continuously gave excuses while disconnecting calls. Having received no repayment and believing he had been cheated of a total of Rs. 18,06,500, the complainant approached PS Vasant Vihar seeking registration of FIR for cheating, criminal breach of trust, and conspiracy. Subsequently, the aforesaid FIR was filed.

3. Learned counsel for the applicant submits that the total alleged cheating amount is Rs. 18,06,500/-, out of which the initial investment was Rs. 11,60,000/-, and it is stated that Rs. 6,00,000/- has already been paid by the husband of the applicant and a cheque for Rs. 5,00,000/- is now ready to be handed over to the complainant. On merits, it is urged that the FIR pertains to the year 2018, the husband of the applicant has already been arrested, enlarged on bail, arrested again, and thereafter the prosecution's application for cancellation of his bail was dismissed by the trial court. It is further submitted that an application was moved by the complainant before the trial court with the objective to pressurise the applicant to join investigation, wherein the IO, in his reply before the trial court, categorically indicated that he seeks to arrest the applicant.

4. Learned APP for the State submits that the husband of the applicant had earlier been granted bail by the trial court on the pretext that he would repay the cheated amount, yet he subsequently failed to do so, he was declared a proclaimed offender, and was later rearrested, though he is presently on bail. It is submitted that this pattern of seeking bail on assurances of repayment, which are thereafter not honoured, has occurred before and NBWs against the present applicant are still pending. It is further submitted that on the previous date the applicant had undertaken to join the



investigation but has never done so in fact, she has not joined the investigation even once. It is stated that while the chargesheet against the husband of the applicant has been filed, the same could not be done *qua* the present applicant solely because she has avoided investigation, and charges against the husband are yet to be framed.

5. Learned counsel for the complainant submits that the FIR was registered in 2018 and, at the initial stage, the applicant's husband was arrested and had made certain payments with the assurance that the entire amount would be repaid, however, after NBWs were later issued, he was declared a proclaimed offender and was subsequently arrested again. It is further submitted that the present applicant's previous bail application was dismissed by the trial court on 05.06.2025 due to her failure to join the investigation. The complainant's grievance is that even though a settlement proposal of Rs. 15 lakhs was made, only Rs. 6 lakhs have been paid and Rs. 9 lakhs still remain outstanding.

6. Having heard the submissions of the parties and perused the record, it is evident that the present applicant has consistently failed to join or cooperate in the investigation since the registration of the FIR in 2018. Despite repeated opportunities granted by the Investigating Officer as well as categorical undertakings given before the courts, the applicant has not presented herself even once for investigation. The Status Report indicates that the NBWs against the applicant is pending because the applicant stated in her submissions that she will join the investigation, but till date she has not appeared or cooperated in the investigation, reflecting deliberate avoidance of the legal process. The applicant's conduct, therefore, does not inspire confidence to warrant the discretionary relief of anticipatory bail.



7. Moreover, the submission that the applicant is now ready to furnish a cheque of Rs. 5,00,000/- does not, in itself, justify the grant of anticipatory bail, particularly when similar assurances were previously made by the co-accused husband during his earlier bail proceedings but were not honoured, resulting in his being declared a proclaimed offender. The pattern of seeking protection from arrest by offering part-payment, followed by non-compliance, raises serious concerns. The failure of the applicant to participate in the investigation has also obstructed the filing of the chargesheet insofar as she is concerned, thereby impeding the progress of the prosecution. The gravity of the allegations, coupled with the applicant's continued non-cooperation, weigh strongly against the grant of anticipatory bail.

8. In ***Srikant Upadhyay v. State of Bihar*** (2024) 12 SCC 382, the Supreme Court held that a person can be treated as “absconding” when he knowingly avoids arrest despite being aware that he is wanted, such awareness being evident where summons and warrants have been issued and remain unexecuted. The Court emphasized that anticipatory bail is an extraordinary, not routine, remedy, to be exercised with caution, especially where arrest warrants or a proclamation is already in force. The relevant paragraphs read as under;

“25. The meaning of the term “absconded” has been dealt by us hereinbefore. We found that its etymological and original sense is that the accused is hiding himself. What is required as proof for absconding is the evidence to the effect that the person concerned was knowing that he was wanted and also about pendency of warrant of arrest. A detailed discussion is not warranted in this case to understand that the appellants were actually absconding. It is not in dispute that they were served with the “summons”. The fact that bailable warrants were issued against them on 12-4-2022 is also not



disputed, as the appellants themselves have produced the order whereunder bailable warrants were issued against them. We have already referred to Section 70(2)CrPC which would reveal the position that once a warrant is issued it would remain in force until it is cancelled by the court which issued it or until its execution. There is no case for the appellants that either of such events had occurred in this case to make the warrants unenforceable. They also got no case that their application was interfered with by a higher court. That apart, it is a fact that the appellants themselves on 23-8-2022, moved a bail-cum-surrender application before the trial court but withdrew the same fearing arrest. It is also relevant to note that in the case on hand even while contending that they were before a court, the appellants got no case that in terms of the provisions under Section 438(1-B)CrPC an order for their presence before the Court was ordered either suo motu by the Court or on an application by the Public Prosecutor. When that be the circumstance, the appellants cannot be allowed to contend that they were not hiding or concealing themselves from arrest or that they were not knowing that they were wanted in a court of law.

30. We have already held that the power to grant anticipatory bail is an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule. It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the court depending on the facts and circumstances of each case. While called upon to exercise the said power, the court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the court shall not pass an interim protection pending consideration of such application as the section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously defying orders and keeps absconding is not entitled to such grant.”



9. In view of the applicant's persistent non-appearance, her failure to honour earlier undertakings to join the investigation and the pendency of NBWs, this Court is of the considered view that the applicant has not approached the Court with clean hands nor demonstrated *bona fide* intent to join the investigation. The settled law is that an applicant who absconds, evades due process, or refuses to cooperate is not entitled to the extraordinary protection of anticipatory bail.

10. Accordingly, this anticipatory bail application is dismissed.

RAVINDER DUDEJA, J

NOVEMBER 20, 2025/na