



2026:DHC:1150



\$~1

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

%

Date of Decision: 11.02.2026+ **BAIL APPLN. 359/2025**

MAMTA DEVI

.....Petitioner

Through: Mr. Harsh Vardhan Sharma and Mr.
Neeraj Kumar, Advocates

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with SI Deepak and Inspector Rakesh
Kumar
Mr. Sandeep Garg, Mr. Rabindra
Tiwary, Mr. Awanish Rai and Mr.
Anishka Bagla, Advocates for R-2**CORAM: JUSTICE GIRISH KATHPALIA****JUDGMENT (ORAL)**

1. The accused/applicant seeks anticipatory bail in case FIR No.213/2024 of PS Neb Sarai for offence under Section 406/420/34 IPC.

2. This is one of the old pending 179 bail matters assigned to this bench after transfer from other benches. In the first call, none appeared but matter was passed over in view of its old pendency. In this call, I have heard learned counsel for accused/applicant and learned APP for the State assisted by SI Deepak and Inspector Rakesh Kumar. After conclusion of arguments, it was observed that Inspector Rakesh Kumar had signed the status report



2026:DHC:1150



dated 02.05.2025 as SHO, Neb Sarai; but today, throughout the arguments revolving around a false submission in the said status report, Inspector Rakesh Kumar did not point out that he is the author of that report. Today, IO has not come and is stated to be on leave, so the SHO/Inspector Paras Nath has deputed Inspector Rakesh Kumar to appear before this Court.

3. The factual matrix, explained by Inspector Rakesh Kumar is as follows. The accused/applicant was registered owner of the first floor of the concerned premises and her husband was the owner of the second floor of the same premises. Husband of the accused/applicant executed a General Power of Attorney in favour of the accused/applicant pertaining to the second floor. Thereafter, the accused/applicant executed sale deed of both floors in favour of the complainant *de facto* along with roof rights. The cheating alleged against the accused/applicant is that she falsely stated in the sale deed that the subject property was free from all encumbrances, whereas she had already mortgaged the first floor with IIFL Finance Home Limited. Besides, the accused/applicant also gave an undertaking/NOC that the subject property is free from encumbrances.

4. The admitted position is that there is pendency of cross civil suits between the accused/applicant and the complainant *de facto* pertaining to the above mentioned transaction.

5. In the above backdrop, the accused/applicant was granted interim protection from arrest by the predecessor bench, which protection continued on date to date basis and today is the first date before me. There is no



2026:DHC:1150



allegation that the accused/applicant, while being under protection has not joined investigation.

6. The most serious part of the allegation is that the accused/applicant gave a forged letter of loan closure to the complainant *de facto*, stating that she had paid back the entire loan amount. Keeping in mind the pendency of cross civil suits, the alleged act of forgery of loan closure letter would become significant while ascertaining criminality involved in the property transaction. And that forgery would be a vital aspect in deciding whether the accused/applicant deserves to be granted anticipatory bail.

7. But it would be shocking to note that on being called upon to show that allegedly forged loan closure letter, Inspector Rakesh Kumar, who had stated clearly in paragraph 3 of his status report dated 02.05.2025 about existence of that letter, submits that there is no such letter. No explanation has been advanced by Inspector Rakesh Kumar for making false averment in paragraph 3 of his status report dated 02.05.2025, where he alleged forgery by the accused/applicant. However, Inspector Rakesh Kumar submits that the said status report was prepared by the IO/Inspector Pawan Kumar and that he did not verify the contents before signing the same because these are the allegations of the complainant *de facto*. But if that be so, it remains unexplained as to why he did not state in the status report that although these are the allegations of complainant *de facto*, no document was provided in this regard.

8. *Prima facie*, the allegation of forgery does not appear to be truthful



2026:DHC:1150



and as regards the alleged cheating, cross civil suits are already pending.

9. In these circumstances, I find no reason to deprive the lady accused/applicant liberty.

10. The application is allowed and it is directed that in the event of her arrest, the accused/applicant shall be released on bail, subject to her furnishing a personal bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the IO/SHO concerned.

11. In view of contents of paragraph 7 herein, copy of this order be sent to the concerned DCP for information and necessary action.

GIRISH
KATHPALIA

Digitally signed by GIRISH KATHPALIA
DN: c=IN, o=HIGH COURT OF DELHI,
2.5.4.20=a901cd889b27a77b2695f6e4af
ec45569a93962c5fba835d43597626acc
a, ou=HIGH COURT OF DELHI, CN=
7047638, postalCode=110003, st=Delhi,
serialNumber=d3e86796451ec45c07b5d
15570996b4080c0d2ee660402c487965f
f801e26fa, cn=GIRISH KATHPALIA
Date: 2026.02.11 17:40:02 +08'00'

**GIRISH KATHPALIA
(JUDGE)**

FEBRUARY 11, 2026

'rs'