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

+ **BAIL APPLN. 732/2024**

SMT. RADHA Applicant

Through: **Mr. Prabhoo Dayal
Tiwari, Ms. Manisha
Tiwari & Mr. Surya
Kumar, Advs.**

versus

**STATE (GOVT. OF NCT OF
DELHI)** Respondent

Through: **Mr. Pradeep Gahalot, APP
for the State
SI Parmender Kumar, PS-
Rani Bagh**

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

**ORDER
29.02.2024**

CRL.M.A. 6528/2024 (for exemption)

1. Exemptions allowed, subject to all just exceptions.

2. The application stands disposed of.

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3. The present application is filed under Section 438 of the Code of Criminal Procedure, 1973 ('CrPC') seeking grant of pre-arrest bail in FIR No.109/2023 dated 14.04.2023 for offences punishable under Sections 420/34 of the Indian Penal Code, 1860 ('IPC'), registered at Police Station Rani Bagh.

4. The FIR was registered on a complaint given by the complainants Bal Kishan and Dinesh that the complainants between the year 2009 to 2016 invested money amounting to



₹15,80,000/- and ₹21,00,000/- respectively with the accused persons, including applicant. It is alleged that accused persons were running a chit fund and were collecting monthly money from the complainants. However, the same was never returned despite repeated requests and reminders. It is further alleged that after 2016, the accused persons disappeared in order to avoid refunding the money to the complainants and other persons.

5. The learned Counsel for the applicant at the outset submits that pursuant to order dated 08.02.2024 this court has already allowed the application filed by the husband of the applicant, Brijesh Kumar under Section 438 of the CrPC.

6. He submits that the applicant is entitled for the grant of pre-arrest bail on the ground of parity as the role alleged against the applicant is similar to that of the co-accused. He submits that the allegation against the present applicant is that she used to collect the money on behalf of the co-accused – Brijesh Kumar (her husband), who is already granted bail.

7. The Learned Additional Prosecutor for the State does not dispute that the allegation against the applicant is similar to the one alleged against the co-accused – Brijesh Kumar.

8. This Court, by order dated 08.02.2024 in BAIL APPLN 3657/2023, filed by the Co-accused Brijesh Kumar, observed that the allegation relates to the payment of money between the period 2009 to 2016 and an application under Section 156(3) Cr.P.C., was filed in the year 2018, the FIR was registered finally in the year 2023, and in the absence of any proof of payment of money the present case seems to be a dispute in relation to recovery of money.

9. In view of the above and considering the fact that the co-accused having been alleged with the similar role, if not graver,



has already been admitted on pre-arrest bail, the present application is allowed.

10. In the event of arrest, the applicant is directed to be released on bail on furnishing a personal bond of ₹50,000/- 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 Investigating Officer;
- b. The applicant shall appear before the learned Trial Court on every date of hearing;
- c. The applicant shall keep the Investigating Officer informed of her current address and mobile contact number, and/or change of residence or mobile details, if any, from time to time;
- d. The applicant shall not tamper with evidence or contact any of witnesses in any manner whatsoever;
- e. The applicant shall not leave the Country without the permission of the learned Trial court.

11. 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. The said observations should not be taken as an expression of opinion on the merits of the case.

12. The application is allowed in the aforesaid terms.

AMIT MAHAJAN, J

FEBRUARY 29, 2024
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