

Daisy Menon vs State Of Nct Of Delhi on 25 March, 2022

Author: Prateek Jalan

Bench: Prateek Jalan

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ BAIL APPLN. 604/2022
DAISY MENON

..... Pet

Through: Mr. Tushar Sharma, Mr. Shadman
Ahmad, Mr. Siddiqui, Ms. Srish
Khanna and Mr. Syed Arham
Masud, Advocates.

versus

STATE OF NCT OF DELHI

..... Respon

Through: Ms. Meenakshi Dahiya, APP for
State with SI Dinesh Kumar, PS
EOW Delhi.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% 25.03.2022 The proceedings in the matter have been conducted through hybrid mode [physical and virtual hearing].

1. This application under Section 439 of the Code of Criminal Procedure, 1973 ["CrPC"], read with Section 482 of the CrPC has been filed for grant of regular bail in connection with FIR No. 89/2019, dated 01.06.2019, registered at Police Station- Economics Offences Wing, Delhi, under Sections 406/409/420 of the Indian Penal Code, 1860 ["IPC"], read with Section 120B of the IPC.

2. Mr. Tushar Sharma, learned counsel for the applicant, draws my attention to an order dated 17.01.2022, passed by this Court in BAIL APPLN. 3750/2021 and BAIL APPLN. 3921/2021, in which two co- accused have been granted bail in the same FIR.

3. The FIR arises out of a complaint filed by one Dharmender Singh, in respect of a company by the name of SMP Impex Pvt. Ltd. (Hello Taxi) ["the Company"] and its directors/officials. The petitioner herein was a director of the Company, as were the petitioners in the aforesaid two bail applications. The application of the complainant concerns an inducement to invest in the Company on the promise of high returns. The complainant states that he invested 9,00,000/- pursuant to the aforesaid inducement, but his money was not been returned.

4. It is not disputed that the petitioner in the present case was a director of the Company, and the role attributed to her in the FIR is mainly of holding seminars, and inducing people to invest in the

Company, which, even according to Ms. Meenakshi Dhaiya, the learned Additional Public Prosecutor for the State, is no higher than the role attributed to the other directors/co-accused.

5. The applicant has been in custody since 10.10.2020. The charge- sheet, and a supplementary charge-sheet, have already been filed by the State. Noticing these facts, and the judgment of Supreme Court in Sanjay Chandra v. CBI (2012) 1 SCC 40, this Court, in the order dated 17.01.2022, observed as follows:-

"19. Therefore, the magnitude of the offence cannot be the only criterion for denial of bail. The object of bail is to secure the presence of the accused at the time of trial; this object is, thus, neither punitive nor preventative, and a person who has not been convicted should only be kept in custody if there are reasons to believe that they might flee from justice or tamper with the evidence or threaten the witnesses. If there is no apprehension of interference in administration of justice in a criminal trial by an accused, then the Court should be circumspect while considering depriving the accused of their personal liberty. Mere vague belief that the accused may thwart the investigation cannot be a ground to prolong the incarceration of the accused.

20. Most importantly, while the Petitioner in BAIL APPLN. 3750/2021 was arrested on 09.12.2020, the Petitioner in BAIL APPLN. 3921/2021 was arrested on 22.08.2020. Both the Petitioners have been in custody for over a year now. Chargesheet as well as supplementary chargesheet have been filed, and all the evidence available is documentary in nature and in custody of the investigating agency. Whether or not the cheated money was entrusted to the Petitioners is a matter of trial and cannot be taken into consideration at this juncture. This Court is, therefore, of the opinion that continued custody of the Petitioners is no longer required and that both the Petitioners should be enlarged on bail."

6. In view of the fact that the role attributed to the present applicant is similar to the position of the applicants in the aforementioned bail applications, who have been granted bail by the aforesaid order of this Court, the applicant is also admitted to bail in FIR No. 89/2019 registered in PS- EOW, New Delhi, subject to the following conditions:-

a. The petitioner will furnish a personal bond in the sum of 1,50,000/- with two sureties of the like amount, one of them being the husband or a blood relative of the petitioner, to the satisfaction of the Trial Court.

b. The petitioner will continue to reside at her permanent address in the State of Telangana, which is given in the memo of parties (Flat No. 202, Balaji Shanthi Kunj Apartments, 125, Vijayapuri Colony Tarnaka, Secunderabad, Telangana-500017). In case of any change in her place of residence, she will give prior information regarding the same to the Investigating Officer ["IO"] and the Trial Court.

c. The petitioner will attend hearings before the Trial Court on each and every date of hearing.

d. The petitioner will give her mobile number to the IO, and ensure that the mobile number is operational at all times. e. The petitioner will report to the local Police Station, having jurisdiction over her place of residence, on every Monday at 11:00 AM. The petitioner will also drop Google Pin, showing her exact location on the mobile number of the IO, and will ensure that she is available at the said location at all times.

f. The petitioner shall not, directly or indirectly, tamper with evidence or try to influence the witnesses.

g. Violation of any of these conditions will result in the cancellation of the bail given to the petitioner.

7. It is made clear that these observations are only for the purpose of disposal of the present bail application, and will not prejudice the parties in the trial.

8. The bail application stands disposed of with these directions.

9. A copy of this order be communicated to the concerned Jail Superintendent electronically for information.

10. A copy of this order also be given dasti.

PRATEEK JALAN, J MARCH 25, 2022 'vp'/ [Click here to check corrigendum](#), if any