



2025:DHC:10659



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: November 26, 2025

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BAIL APPLN. 3762/2025 & CRL.M.A. 29341/2025

MANJULA

.....Applicant

Through: Mr. Maninder Singh, Sr.
Adv. with Ms. Sanjana
Nair, Ms. Janvi Narang,
Dr. A. Kaur, Ms.
Aishwarya Rao, Mr. Sumit
Jain, Ms. Venika & Ms.
Mansi Rao, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Ritesh Kumar Bahri,
APP for the State with Ms.
Divya Yadav, Adv.
SI Deshpal, PS- EOW
Mr. Rajnish Gaur & Mr.
Amol Sharma, Advs. for
ICICI Bank
Mr. Amit Saxena, Mr.
Anil Kumar Singh & Mr.
Viksit Kumar, Advs. for
complainant

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. (Oral)

1. The present application is filed seeking pre-arrest bail in FIR No. 128/2022 dated 31.08.2022, registered at Police Station Economic Offences Wing for the offences under Sections



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420/467/468/471/120B of the Indian Penal Code, 1860 ('IPC').

2. Briefly stated, the FIR was registered on a complaint given by one Rohitshave Kumar/complainant thereby alleging that he is the owner of the property bearing No. 1/4417, Ram Nagar Extension, Main Mandoli Road, Shahdara, Delhi (hereafter '**subject property**'). It is alleged that officials from ICICI bank had visited the complainant on the said property and enquired about one person namely, Mr. Amrit Mann, who had taken a loan on the said property and had defaulted in paying the loan instalments.

3. It is alleged that thereafter, the complainant learnt that the Mr. Gyaneshwar Sharma (father of the applicant) in connivance with other persons had prepared a forged will and sold the property to Mr. Amrit Mann *vide* registered sale deed dated 30.01.2019. It is alleged that, on the basis of the said deed, co-accused Amrit Mann availed two loans aggregating to a sum of ₹4.28 crores from ICICI Bank Gurugram in 2019.

4. During the course of investigation, it transpired that co-accused Amrit Mann who had mortgaged the said property on the basis of forged documents had absconded, and was also declared an absconder *vide* order dated 12.10.2023.

5. During the course of further investigation, it was also revealed that Mr. Gyaneshwar Sharma (who passed away on 09.04.2020) unlawfully executed 4 gift deeds in respect of the subject property out of which 3 gift deeds (in respect of the ground floor, first floor and second floor of the subject property) were executed in favour of co-accused Amrit Mann and 1 gift deed (in



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respect of the basement of the subject property) was executed in favour of co-accused Vandana Singh (sister of the applicant). It is alleged that co-accused Vandana Singh signed the above 03 sale deeds as a witness in favour of co-accused Amrit Mann despite having knowledge that the same had been executed on the basis of forged documents and despite knowing that the properties belonged to her father-in-law/complainant.

6. The case of the prosecution is that the money was thereafter siphoned off to the bank accounts of M/s Spring Leaf Biotech (partnership of the applicant and her sister/co-accused Vandana Sharma) and M/s Oxyflora (sole proprietorship of co-accused Vandana Sharma). Further, during the course of investigation, it was found that a sum of ₹1,25,00,000/- had been transferred to the account of Spring Leaf Biotech from the bank account of co-accused Amrit Mann. It is alleged that thereafter accused Ms. Vandana Sharma had transferred an amount of ₹11,00,000/- into the bank account of the co-accused Mr. Deepak Kumar.

7. It is alleged that during the course of investigation notices were issued to the applicant however she did not join the investigation.

8. It is alleged that on 14.08.2025 NBWs were issued against the applicant and co-accused Mr. Deepak Kumar, whereafter, co-accused Deepak Kumar was arrested on 08.09.2025.

9. The learned Senior counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He submits that the applicant is a silent partner in the firm M/s



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Spring Leaf Biotech and the bank account of the same is operated by her sister Ms. Vandana Sharma.

10. He submits that the allegations of cheating and forgery has been made against Mr. Gyaneshwar Sharma (father of the applicant) and co-accused Amrit Mann who is absconding. He submits that the allegations even when taken at the highest only reveal that the applicant was beneficiary of some part of the cheated amount and does not disclose that the applicant connived in committing the alleged forgery or the cheating.

11. He further submits that co-accused Ms. Vandana Sharma has already been admitted on regular bail by a Co-ordinate Bench of this Court *vide* order dated 20.05.2025.

12. He submits that the FIR in the present case was filed in the August, 2022, however, the first notice to join the investigation was given in October, 2023. He submits that the applicant has joined the investigation pursuant to the interim protection granted to her by this Court. He submits that the present application was filed before this Court on account of the fact that the applicant faced harassment from some lawyers involved on the side of the complainant, and was apprehensive that she might not get justice.

13. *Per contra*, the learned Additional Public Prosecutor for the State along with learned counsel for ICICI Bank and the complainant vehemently oppose the grant of any relief to the present applicant. They submit that the applicant directly preferred the pre-arrest bail application before this Court without first going to the Court of Sessions which is not permissible.



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14. They submit that the applicant was a partner of M/s Spring Leaf Biotech where some part of the cheated amount was transferred, and the same was further transferred to the account of co-accused Amrit Mann. They submit that a sum of ₹1,25,00,000/- had been transferred to the account of Spring Leaf Biotech from the bank account of co-accused Amrit Mann, of which the applicant and co-accused Vandana Sharma are the partners.

15. They submit that a sum of ₹13.84 lakh was transferred by co-accused Vandana Sharma in the account of the applicant during the course of 3.5 years. They consequently oppose the grant of any relief to the applicant.

16. I have heard the counsel and perused the record.

17. Before advertng to examine the allegations levelled against the applicant and considering the aspect of grant of pre-arrest bail of the applicant, it is pertinent to note that a preliminary objection was raised in regard to the filing of the application before this Court. It was argued that the applicant directly approaching this Court is not permissible and the applicant ought to have first approached the learned Court of Sessions.

18. In that regard, it is pertinent to note that as per Section 482 of the BNSS, there is no embargo on the person apprehending arrest to apply directly to the High Court to seek grant of pre-arrest bail. Section 482 of the BNSS provides concurrent remedy to the High Court as well as the Court of Sessions to grant pre-arrest bail. This Court, while noting so, is also conscious of the fact that hierarchy demands that the application be first heard by the Court of Sessions



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before the applicant approaches the High Court. However, considering the absence of any embargo provided under Section 482 of the BNSS as well as the apprehension expressed by the applicant, this Court finds it apposite to consider the present application.

19. The law in regard to the grant of pre-arrest bail is well-settled. In the case of *Siddharam Satlingappa Mhetre v. State of Maharashtra : (2011) 1 SCC 694*, the Hon'ble Supreme Court dealt with the issue of pre-arrest bail, and the balance that needs to be maintained while granting the same to an accused and further laid down the factors that must be taken into consideration while dealing with pre-arrest bail.

20. The case of the prosecution is that one Mr. Gyaneshwar Sharma (applicant's father) prepared a forged will and sold the property to co-accused Amrit Mann. It is the case of the prosecution that Mr. Gyaneshwar Sharma unlawfully executed 4 deeds in respect of the subject property out of which 3 gift deeds (in respect of the ground floor, first floor and second floor of the subject property) were executed in favour of co-accused Amrit Mann and 1 gift deed (in respect of the basement of the subject property) was executed in favour of co-accused Vandana Singh (sister of the applicant). It is further the case of the prosecution that thereafter the siphoned money was transferred to the bank accounts of M/s Spring Leaf Biotech (partnership of the applicant and her sister/co-accused Vandana Sharma) and M/s Oxyflora (sole proprietorship of co-accused Vandana Sharma). Further, during investigation, it was



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found that a sum of ₹1,25,00,000/- had been transferred to the account of Spring Leaf Biotech from the bank account of co-accused Amrit Mann.

21. It is pertinent to note that the applicant, pursuant to the grant of interim protection by this Court *vide* order dated 26.09.2025, has since joined investigation. This Court while granting interim protection to the applicant had noted that the FIR was registered way back in the year 2022, and the allegation against the applicant was only that she, at some stage, had received some part of the consideration received by Mr. Gyaneshwar Sharma who is father of the applicant and who had allegedly forged the documents.

22. From a perusal of the record, it is borne out the allegation levelled against the applicant is only that she was a partner along with co-accused Vandana Sharma of M/s Spring Leaf Biotech in which some part of the consideration amount was received, and not that the applicant was *per se* involved in the alleged forgery. The applicant, undisputedly, did not sign as a witness in the alleged forged documents. Insofar as the question whether the applicant was complicit in the alleged forgery or not for the reason of receiving certain amount from the main accused, the same cannot be ascertained at this stage, and can only be examined after the evidence is led. It is relevant to note that the main accused was the father of the applicant.

23. Consequently, considering that the applicant has joined the investigation pursuant to the interim protection granted to her, and the allegations levelled against the applicant at this stage, this Court



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is of the opinion that the custodial interrogation of the applicant is not required.

24. It is not in doubt that order for grant of bail cannot be passed in a routine manner so as to allow the accused to use the same as a shield. At the same time, it cannot be denied that great amount of humiliation and disgrace is attached with the arrest.

25. In cases where the accused has joined the investigation, cooperating with the Investigating Agency and is not likely to abscond, the custodial interrogation should be avoided.

26. The purpose of custodial interrogation is to aid the investigation and is not punitive.

27. No apprehension has been raised that the applicant is a flight risk. Even otherwise, any apprehension regarding the applicant fleeing from justice, tampering with evidence or not cooperating with the investigation can be taken care of by putting appropriate conditions.

28. In view of the above, the present application is allowed and the applicant in the event of arrest, is directed to be admitted on bail on furnishing a personal bond for a sum 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 IO;
- b. The applicant will not leave the boundaries of the country without the permission of the learned Trial Court;
- c. The applicant shall not contact the witnesses or tamper



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with the evidence in any manner;

d. The applicant shall give her mobile number to the concerned IO/SHO and shall keep her mobile phone switched on at all times;

e. The applicant shall provide the address of her residence to the IO/SHO and shall not change the same without informing the concerned IO/SHO.

29. In the event of there being any violation of the stipulated conditions, it would be open for the State to seek redressal by filing an application seeking cancellation of the bail.

30. 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 and should not be taken, as an expression of opinion, on the merits of the case.

31. The bail application is allowed in the aforesaid terms. Pending Application(s), if any, also stand disposed of.

AMIT MAHAJAN, J

NOVEMBER 26, 2025/“SS”