

**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

BEFORE

HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA

ON THE 05TH OF AUGUST, 2022

MISCELLANEOUS CRIMINAL CASE No.33900 of 2022

Between:-

**LAXMI DEVI SINGHAL W/O LT. SH.
SUBHASH CHANDRA SINGHAL,
AGED: ABOUT 73 YEARS, R/O:
EMINENT SCHOOL KE PAS,
GANDHI COLONY, DISTRICT
SHIVPURI (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI RAJIV SHARMA – ADVOCATE)

AND

**STATE OF MADHYA PRADESH,
THROUGH POLICE STATION EOW,
DISTRICT GWALIOR (MADHYA
PRADESH).**

.....RESPONDENT

***(SHRI ANKUR MODY – ASSISTANT SOLICITOR GENERAL
FOR STATE/EOW)***

*This application coming on for hearing this day, the Court passed
the following:*

ORDER

Case Diary is available.

This first application under Section 438 of Cr.P.C. has been filed for grant of anticipatory bail.

The applicant apprehends her arrest in connection with Crime No.49/2012 registered at Police Station EOW, Gwalior for offence under Sections 420, 467, 468, 120-B of IPC and Section 13(1)(B) of Prevention of Corruption Act.

It is submitted by the counsel for the applicant that according to the prosecution case, the applicant had executed a power of attorney in favour of Anil Kumar Agrawal to look after her property. It appears that Anil Kumar Agrawal had used the bank account of the applicant to deposit the illegally misappropriated amount. The applicant was not aware of any transaction. She is aged about 73 years and is an innocent lady.

Per contra, the application is vehemently opposed by the counsel for the State/EOW. It is submitted by the counsel for the State that a complaint was received against Anil Kumar Agrawal to the effect that he has misappropriated a huge amount of Rs.4 crores. During the investigation, it was found that an amount of Rs.29,51,388/- was deposited in the account of the applicant. Thereafter, the applicant alongwith other relatives constituted a NGO, namely, Nursing Sarvdharm Vriddha Ashram and the applicant was its President. An amount of Rs.1,12,48,306/- was deposited by Anil Kumar Agrawal in the account of said NGO, out of which, FDR of Rs.90,00,000/- has been prepared in the name of the applicant. It is further submitted that on 4/1/2008 an amount of Rs.38,16,100/- was transferred from the account of the applicant to the

account of Nursing Sarvadharm Vriddha Ashram. It is further submitted that in the light of the judgment passed by the Supreme Court in the case of **P. Nallammal and another Vs. State Represented By Inspector of Police** reported in **(1999) 6 SCC 559**, it is clear that the applicant had also abated the main accused Anil Kumar Agrawal to embezzle the huge amount of Rs.4 crores and not only that, she has also prepared FDRs of Rs.90,00,000/- in her name.

Heard learned counsel for the parties.

This Court had tried to convince itself on the question of advance age of the applicant, but looking to the huge quantity of amount misappropriated by Anil Kumar Agrawal with the active support of the applicant coupled with the fact that not only a huge amount was deposited in the personal account of the applicant, but it was also transferred to the account of Nursing Sarvdharm Vriddha Ashram, which is not possible without the permission of the applicant and thereafter, prepared the FDRs of Rs.90,00,000/-, which have been found to be in the name of the applicant, this Court is of the considered opinion that the applicant is actively involved in abating Anil Kumar Agrawal to misappropriate the huge amount of Rs.4 crore.

At this stage, it is submitted by the counsel for the applicant that the applicant is ready to deposit certain amount to show her *bonafides*.

In view of the huge transactions, which have taken place in the account of the applicant as well as in the account of Nursing Sarvadharm Vriddha Ashram of which the applicant was the President coupled with the fact that the FDR of Rs.90,00,000/- have been found to be in the name of the applicant, this Court is of the considered opinion that no case

is made out for grant of anticipatory bail to the applicant even on the condition of depositing the misappropriated amount.

Accordingly, the application fails and is hereby **dismissed**.

(G.S. AHLUWALIA)
JUDGE

Arun*