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

+ **BAIL APPLN. 757/2020**

**GAURI KANT DIXIT**

..... Petitioner

Through Mr. Vinay Kumar Garg, Mr. Ajay  
Kumar Singh and Mr. Neeraj Kumar  
Jha, Advs.

versus

**STATE**

..... Respondent

Through Mr. Panna Lal Sharma, APP for State  
with SI Sanjeev Kumar, PS Neb Sarai  
Mr. K. K. Manan, Sr. Adv. with  
Mr. Puneet Parihar, Adv. for  
complainant

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT**

**ORDER**

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**23.03.2020**

1. The present petition is filed by applicant/petitioner under Section 439 of Cr.P.C. in case FIR No.100/2020 for offences punishable under Sections 387/506 IPC registered at Police Station Neb Sarai, New Delhi.
2. As stated in the present petition that as per the contents of FIR itself, complainant alleged that he got a call from mobile No.9821954832 at 11.44 pm and caller was not giving correct information about his name and identity and he started asking for money Rs.5 Crores immediately and threatened him that if money is not given to him, he would kill complainant and may kidnap his daughters, namely Pari and Pihu (who are studying in class 1<sup>st</sup>-B), from their school, namely Laxman Public School.
3. Complainant further alleged that when caller was giving such authentic information about his daughters and their school, he got afraid and

asked to share his identity and from where did he get his mobile number and information about his family. Then, he told that petitioner got his number from Ms.Bharti Khanna, who was an employee in complainant's office and used to work as a Computer Operator during 2016-2017 and she had all information of his financial transaction because she used to make data entry of all transactions. Thereafter, he disconnected call and after few minutes, he called up again and told him that he is CBI official and if money is not given, he would book complainant in some fake criminal case. Thereafter, complainant approached police and on the basis of such complaint, police registered the present FIR.

4. Learned senior counsel for petitioner submits that without verifying allegation and hearing recorded conversation audio clip between complainant and accused/petitioner, Investigating Officer acted in a supersonic manner and arrested petitioner on 10.03.2020 i.e. the day of Holi festival.

5. Learned senior counsel further submits that complainant has created a false and concocted story to extract money by petitioner. Contents of FIR and telecom conversation itself are showing that nothing happened on that fateful day as alleged. Petitioner was trying to convince complainant to be fearful of God and whatever he did with some person was not good. Hence, no question of blackmailing/extortion arises.

6. It is further submitted that learned Sessions Judge has failed to consider that the petitioner is a respected member of society and an active social worker who is presently holding a post as National General Secretary of '*Ahinsha Dal*', a political Party. Learned Sessions Judge has failed to consider that petitioner is not a previous convict or a habitual offender and

even no complaint has been made against him ever. Moreover, he is ready and willing to join investigation of this present case as and when police called him to do the same. Petitioner did not try to evade the process of law.

7. As per status report filed by State, during investigation, supplementary statement under Section 161 of Cr.P.C. of complainant, namely Vijay Singh Chouhan, was recorded wherein he stated that approximately 4-5 years ago, one Ms.Bharti Khanna was working in his office. She was having complete knowledge of his business and family members as she used to visit his house on family functions. After some time, he closed his business due to vision loss and she left the job. He further stated that approximately, one month ago, petitioner contacted him on phone and stated that he is speaking from BJP Office. Thereafter, he stated that Ms.Bharti Khanna has filed a complaint before him as he being CBI official that there is a matter of Rs.4-5 Crores. In turn, complainant clarified that he has not taken any money from her. Thereafter, at the intervening night of 08/09.03.2020, petitioner called him and extended threat for the purpose of extortion. He further stated that co-accused Ms.Bharti Khanna, in connivance with petitioner, wants to extort money from him by extending threat.

8. During investigation, CDR/CAF of mobile No.9821954832 through which alleged calls were made to complainant over his mobile No.9810265162 was obtained. The ownership of said mobile phone was found in the name of petitioner. Immediately, police team was departed from Nand Gram, Ghaziabad to nab the accused. After sincere efforts, police team succeeded to trace petitioner's address, i.e. House No.2, Radha Kunj, Nandgram. During local enquiry, it was found that petitioner was living at

the aforesaid address 1½ - 2 years ago and presently living at Raj Nagar Extension, Ghaziabad, U.P. Thereafter, police conducted a raid and apprehended petitioner. During interrogation, petitioner disclosed that he is a permanent resident of village Amolikalan, Post & Tehsil Ram Narayan, District Barabanki, U.P. and presently residing at House No.1109, I-Block, KW Shrasthi Apartment, Raj Nagar Extension, Ghaziabad, U.P. He further disclosed that he is connected with '*Ahinsha Dal Party*' and approximately 4-5 months ago, he met with one Ms.Bharti Khanna. Both of them started conversation with each other. Meanwhile, Ms. Bharti Khanna informed him that earlier she was working with complainant who lives in Sainik Farms, New Delhi and is engaged in the business of real estate and a large amount is likely to receive by him. On this, petitioner gathered information from her about the family and children of complainant and both decided to extort money from complainant by putting him into fear.

9. Further case of prosecution is that on 11.3.2020, a friend of petitioner, namely Piyush, came at police station and provided the recording regarding conversation took place between petitioner and complainant on the date of incident. Thereafter, petitioner was further interrogated whereupon he disclosed that on the date of incident, i.e. 8.3.2020, firstly he made call to Ms. Bharti Khanna, co-accused and thereafter, he made a conference call to complainant and extended threat to him. He further disclosed that Ms. Bharti Khanna was hearing all the conversation took place with complainant. Thereafter, his supplementary disclosure statement was recorded who intentionally tried to mislead the investigation proceedings.

10. On perusal of the conversation between Ms.Bharti Khanna (co-accused) and complainant, it is established that the alleged calls were made

to extort money by extending threat to kill complainant and his family members or to kidnap his daughters from their school, namely Laxman Public School.

11. Keeping in view the serious allegations of extortion and threat against petitioner and the fact that before making extortion call to complainant, they were not known to each other, therefore, I am not inclined to grant bail to the petitioner.

12. The present petition is, accordingly, dismissed.

**SURESH KUMAR KAIT, J**

**MARCH 23, 2020/rk**