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

Date of decision: 23.03.2020

+ BAIL APPLN. 765/2020

BHARTI KHANNA

..... Petitioner

Through Mr.Surinder Anand, Adv.

versus

STATE

..... Respondent

Through Mr. Panna Lal Sharma, APP for State.
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

J U D G M E N T (O R A L)

Crl. M.A. 5754/2020

1. Allowed, subject to all just exceptions.
2. Application is disposed of.

Bail Appln.765/2020

3. Present petition is filed under section 438 Cr.P.C. for grant of anticipatory bail in pursuance to FIR No.100/2020 registered at Police Station Neb Sarai for the offences punishable under section 387/506/34 IPC.

4. As stated in the present petition that as per the allegations, one Vijay Singh Chauhan who is resident of 137/4, Lane No.1, Anupam Garden, Sainik Farm, New Delhi-110068 has stated in his complaint that he is handicapped with a vision problem due to which he cannot see and is bedridden. He got a call on his mobile phone number 9821954832 at 11.44 pm on 09.03.2020 and caller refused to give correct information about his name and identity on his mobile phone and asked for Rs.5 crore as ransom otherwise threatened to kill the complainant and to kidnap his grown-up daughters namely Pari and Pihu from their school i.e. Laxman Public School. When the caller gave such authentic information about the daughters and their school to the complainant, he got afraid of the caller and requested him to share his identity and also enquired where did the caller get his mobile number and information of his family. Said caller replied that he got the mobile number and requisite information from the petitioner, who happened to be employee of the complainant as computer operator during 2016-2017. The petitioner had all information of the complainant's financial transactions because she used to take data while in service. After the aforesaid conversation between caller and the complainant, the call was disconnected for few minutes and the caller again called and stated to the

complainant that he is CBI Official and in case money is not given, he would implicate the complainant in some false case.

5. Learned counsel appearing on behalf of the petitioner submits that petitioner remains in the services of complainant w.e.f. 2016-2017 and she left the job because her salary was not paid for quite some months. The complainant has given the mobile number of the petitioner which is 9811200124, which does not belong to her. As a matter of fact when the petitioner joined the services of complainant in the year 2016, she was provided one Mobile Phone No. 9811200124 for her official as well as for personal use. The above said number is registered in the name of complainant himself and the petitioner surrendered the said mobile telephone to the complainant when she left the job in the year 2017.

6. Learned counsel further submits that the complaint was registered on 09.03.2020 at about 00.11 hrs and the caller was arrested on 10.03.2020 at about 2 p.m. It appears that the caller of the ransom was very well known to the complainant and was aware of the whereabouts of the complainant and he has mentioned the name of the petitioner in the present FIR intentionally, deliberately and with malafide intention to harass and humiliate her.

7. Learned counsel further submits that the petitioner received one notice under section 41-A Cr.P.C from the Sub Inspector - Sanjeev Kumar, Police Station Neb Sarai, New Delhi on 14.03.2020 vide Diary No.743 wherein she was directed to appear before the aforesaid officer on 16.03.2020 at 2 p.m. In compliance of the said notice, the petitioner went to join the investigation alongwith her counsel, however, not a single question regarding the facts of the case was put to the petitioner and she was directed to write down whatever she knew about the case, which she did. Petitioner was allowed to move out of the police station with her counsel at 6.30 p.m. The conduct of the SI Sanjeev Kumar was remained hostile to the petitioner and she was humiliated and harassed at the hands of such police officer at the police station.

8. As per status report, during investigation, supplementary statement under section 161 Cr.P.C. of complainant Vijay Singh Chauhan was recorded, wherein, he stated that approximately 4-5 years ago, Ms.Bharti Khanna, petitioner herein, 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 office due to vision loss and she left the job. He further stated that one month ago, one

Gauri Kant Dixit (co-accused) contacted him over phone and stated that he is speaking from BJP Party office and, thereafter, he stated that Ms.Bharti Khanna has filed a complaint before him in relation to a matter of Rs. 4-5 Crore. In turn, complainant clarified that he has not taken any money from Ms.Bharti Khanna. Thereafter, accused Gauri Kant Dixit called in the intervening night of 08/09.03.2020 and extended threat to life to him for the purpose of extortion. Petitioner in connivance with Gauri Kant Dixit wants to extort money from complainant. During investigation, CDR/CAF of accused's mobile phone No. 9821954832 through which the calls were made to complainant over his mobile phone No. 9810265162 were obtained. The ownership of this mobile phone number was found in the name of co-accused "*Gauri Kant Dixit C/o Brijesh Tyagi, House No. 2, Radha Kunj, Nandgram, near Mother India, Ghaziabad, Uttar Pradesh*". Thereafter, the said co-accused was arrested from House No.1109, I Block, KW Shrasthi Apartment, Raj Nagar Extension, Ghaziabad, U.P. He was interrogated wherein, he disclosed that he is connected with '*Ahinsa Dal Party*' and approximately 4-5 months ago, he met with one Ms.Bharti Khanna, petitioner herein. Both 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. She further informed that said Chauhan is engaged in the business of real estate and a large amount is likely to be received by him. On this, Mr. Gauri Kant Dixit gathered information from her about the family and children of complainant and both decided to extort money from complainant by putting him into fear. In furtherance to their plan, Gauri Kant Dixit called the complainant and misrepresented that he is calling from BJP Headquarters and enquired from complainant about the matter of Ms. Bharti Khanna. Thereafter, both decided to put the complainant into fear and on 08.03.2020, the accused Gauri Kant Dixit called the complainant from his mobile phone No. 9821954832 to the complainant's mobile phone No. 9810265162 and demanded Rs. 5 Crore from him. He threatened the complainant that if the demands are not met, he will kidnap the daughters of complainant.

9. During search, a mobile phone of the brand OPPO, Blue Colour, IMEI No.866778045249376 & 866778045249368 containing SIM Card No. 9821954832, which was used in the commission of offence was recovered from his possession.

10. On 11.03.2020, friend of accused Gauri Kant Dixit namely Piyush came at Police Station and provided the recording regarding conversation

took place between accused Gauri Kant and complainant on the date of incident. Thereafter, accused Gauri Kant Dixit was further interrogated, whereupon he disclosed that on the date of incident i.e. 08.03.2020, he first made call to Ms. Bharti Khanna and thereafter, he made conference call to the complainant and extended threat to him. He further disclosed that Ms.Bharti Khanna was hearing all the conversation that took place with complainant.

11. Keeping in view calls between petitioner herein and co-accused Gauri Kant Dixit and the complainant on 08/09.03.2020, it is established that during conversation, co-accused Gauri Kant Dixit and accused Bharti Khanna was on the line and thereafter made a conference call to complainant. The phone was answered by complainant's wife who asked accused about reason to call at night. In turn, said Gauri Kant Dixit asked her to give the phone to her husband. Thereafter, an argument took place between them and accused Gauri Kant Dixit misbehaved with complainant's wife and used highly abusive language and extended threat.

12. As per the status report, call recording are highly sensitive wherein co-accused Gauri Kant Dixit and Bharti Khanna, petitioner herein, discussed with each other about the way to put threat upon complainant with common

intention to extort money from him. Thereafter, in a pre-planned manner, accused Gauri Kant Dixit made phone call to complainant in midnight and extended threat with sole motive to extort money from him.

13. It is pertinent to mention here that the entire conversation between co-accused Gauri Kant Dixit and complainant was heard by accused Bharti Khanna as she was on conference call. On the basis of these conversations, section 34 IPC was added in the case. Since, accused Gauri Kant Dixit, had misbehaved with complainant's wife and used highly abusive language with intent to outrage her modesty, therefore, section 509 IPC was also added in the case.

14. Keeping in view the serious allegations against the petitioner and the fact that her custodial interrogation is required for recovery of the mobile phone of petitioner to establish whether she was on conference call with co-accused Gauri Kant Dixit and complainant herein, this Court is not inclined to grant anticipatory bail to the petitioner.

15. The petition is, accordingly, dismissed.

(SURESH KUMAR KAIT)
JUDGE

MARCH 23, 2020/ab