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

Order reserved on : 13th December, 2017

Order pronounced on : 03rd January, 2018

+ **BAIL APPLN. 2339/2017**

VISHAL VASHISHT

....Petitioner

Through:

Mr. Amit Sharma, Mr. Aditya
Bhardwaj and Mr. Kunal Sharma,
Advocates.

Versus

STATE

.....Respondent

Through:

Mr. Amit Ahlawat, APP for the
State with Inspector Jai Prakash
from ASC/West.
Mr. Anupam S. Sharma, Mr.
Pankaj Gupta, Mr. Prakash Airan
and Ms. Prachee Satija, Advocates
for Complainant.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

1. By way of the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 (hereinafter referred as 'Cr.P.C.'), the petitioner seeks **grant of Anticipatory Bail** in FIR No. 0495/2017 under Sections 384/389/34/120B of the Indian Penal Code, 1860 (hereinafter referred as 'IPC') registered at Police Station-Punjabi Bagh, New Delhi.
2. Brief facts of the present case are that, a complaint was lodged on 16.09.2017 by one Basudev Aggarwal alleging therein that from the past 13 years some devious and crafty persons, engaged in unlawful acts, have been trying to threaten him and commit

extortion by blackmailing him to bring in public domain some false, fake, doctored and morphed photographs and videos of him which show him in compromising positions with certain woman but neither had he met such woman nor have any relation with her. The complainant further alleged that the persons namely Harish Tiwari, Subhash Sharma and Ashok Kumar Sagar alongwith their other co-companions have been threatening and blackmailing the complainant only to extort money from him and to lower down his reputation, image and credibility in the society. In his supplementary statement dated 07.10.2017, the complainant has also named the present petitioner/ Vishal @ Vinay Vashisht and his brother Bawa Vashisht as persons involved with other co-accused in extorting money from him.

3. On 07.10.2017 the petitioner/ Vishal @ Vinay Vashishth, was arrested red handed by the police team while he was receiving Rs. 1 Lakh as extortion money. The petitioner disclosed that he is a member of the blackmailer/extortion gang along with his brother Bawa Vashisht, Harish Tiwari, Ashok Sagar, Subhash Sharma and others. When he took the police to his house for recovery, his family members i.e. his wife, mother and sister-in-law assaulted the police team and he managed to escape the police custody. Consequently, FIR bearing No. 431/2017 was registered at the instance of SI Shashi Kant against the petitioner and his wife.
4. The application filed by the petitioner before the Additional Sessions Judge for seeking anticipatory bail was dismissed vide order dated 02.11.2017. Hence the present petition.

5. Mr. Amit Sharma, the learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case and has no connection whatsoever with the complainant or the other co-accused persons; that the petitioner has neither been named in the FIR nor is there any evidence on record to show that he was in touch with the co-accused persons at any time before the said complaint was lodged; that the extortion money was not received, taken or demanded by the petitioner and the same is evident from the F.I.R. wherein no such allegations have been made against the petitioner; that the petitioner has been joining investigation as directed by this Court and undertakes to do so in future whenever he shall be required for the same; that hence in the aforementioned circumstances anticipatory bail be granted to the petitioner.
6. Per Contra, Mr. Amit Ahlawat, APP for the state vehemently opposed the bail application of the petitioner and submitted that the petitioner was caught red handed while receiving Rs.1 Lakh as extortion money; that the petitioner had previously managed to escape police custody with the help of his family members; that the petitioner has been previously involved in another case bearing FIR No.150/10 registered under Section 295A IPC and investigation in respect of FIR No.431/17 registered against him is also pending; that the petitioner has not been cooperating in the investigation of the present case and his custodial interrogation is required to unearth the true facts behind the commission of the alleged

offence; that hence in the said circumstances his petition for grant of anticipatory bail be dismissed.

7. I have heard the learned counsel for the parties and perused the material available on record.
8. In the present case, the complainant in his complaint followed by his supplementary statement dated 07.10.2017 has alleged that a group of persons including the present petitioner have been extorting money from him by blackmailing him that they would bring in the public domain some false, fake, doctored and morphed photographs and videos of him which show him in compromising positions with certain woman.
9. As per records, on 07.10.2017, a trap was laid down by the complainant with the help of the police officials in order to catch hold of the accused persons who were to receive an amount of Rs.1Lakh on that day from the complainant. Consequently the petitioner was caught in the said trap and was arrested red handed by the police officials, while he was receiving the extortion money. However, when the police officials took the petitioner to his house for recovery, the family members of the petitioner attacked the police officials and helped the petitioner to escape custody. Hence another FIR bearing No. 431/2017 was registered against the petitioner/Vishal Vashisht and his wife/Renu Vashisht.
10. As per the Status Report dated 17.11.2017 and the additional Status Report filed subsequently on behalf of the State, the Mobile Phone used in the act of crime, the doctored photographs and videos, the money extorted so far is yet to be recovered. The petitioner has

also been found to be involved in another case F.I.R. bearing No. 150/2010 registered under Section 295A IPC. Besides this, it is also revealed that the petitioner has not been cooperating in the investigation and has not been providing relevant information sought by the Investigating Officer and is misleading the investigation of the present case.

11. Keeping in view the fact that investigation in the present case is still in its embryonic stage; there are chances of petitioner escaping the process of law, tampering with the evidence or threatening the complainant and witnesses; recoveries are yet to be effected for which custodial interrogation of the petitioner is required, this Court does not deem it as a fit case for grant of anticipatory bail.
12. Accordingly, the petition for Anticipatory Bail stands dismissed.
13. Before parting with above order, it is made clear that anything observed in the present petition shall not have any bearing on the merits of the case during trial.

SANGITA DHINGRA SEHGAL, J.

JANUARY 3, 2018

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