

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 507 of 2020**

- Rituraj Borkar @ Ritu Mishra S/o Ashwary Mishra Aged About 36 Years
Occupation- Patwari, R/o Gali No 6, Mamta Nagar, P.S.- Kotwali, Tahsil And
District- Rajnandgaon, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through- S.H.O.- Mahod, P.S.- Kotwali- Rajnandgaon,
District- Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	:	Shri Hemant Gupta, Advocate
For State	:	Shri Sudeep Verma, Dy. Govt. Adv.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****03/07/2020**

Heard.

The applicant is apprehending her arrest in connection with Crime No.146/2020 registered at Kotwali - Rajnandgaon (CG) for alleged commission of offences under Section 384, 388, 389 IPC.

2. Prosecution case is that the applicant is engaged in extortion of money from the complainant – Usha Mishra, wife of one Aishwarya Mishra. According to the complainant, present applicant, who is posted with her husband in the same office as Patwari, prevailed upon her husband and the applicant started visiting the house of the complainant and started administering threat that if complainant's husband does not cooperate with her, she would get them falsely implicated in criminal case and in furtherance thereof she also lodged a complaint against the complainant and her

relative regarding loot of mobile etc. and in the enquiry, such complaint was found to be false. Few months before, the applicant again started pressurizing the complainant and her husband and got a false agreement prepared that Aishwarya Mishra would pay her Rs.5 lakhs and also marry. In this manner, the applicant is engaged in extortion of money. She has taken huge amount from complainant's husband and even demanded money from the complainant.

3. Learned counsel for the applicant would submit that an attempt has been made to take revenge and counterblast the present applicant. The applicant and Aishwarya Mishra had an affair. The applicant got divorced from her first husband and thereafter, she and Aishwarya Mishra entered into marriage and Aishwarya Mishra, under a written agreement dated 11/10/2018, agreed to pay Rs.5 lakhs to the present applicant. It is submitted that the allegations which are now being leveled by Usha Mishra are nothing but an act to somehow prepare a case against the present applicant.

4. On the other hand, learned State counsel opposes bail application.

5. Taking into consideration the submission of learned counsel for the applicant, disclosure made by the State counsel on various facts stated in the case diary and also considering that even according to the complainant, the applicant and complainant's husband were entangled and the applicant is relying upon the agreement between her and Aishwarya Mishra in which, Aishwarya Mishra agreed to pay Rs.5 lakhs to the present applicant, present is a fit case for grant of anticipatory bail to the applicant.

6. Accordingly, this application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and she shall

abide by all the following terms and conditions -

- (i) that the applicant shall make herself available for interrogation by a Police Officer as and when required;
- (ii) that she shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any Police Officer.
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the Trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge