

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 699 of 2020

Rickchand Sharma S/o Shri Dharmapal Sharma, aged about 33 years,
R/o Punhana Mod Hotel, District: Palval, (Haryana).

---- Applicant

Versus

State Of Chhattisgarh Through Police Station: Pandri, District: Raipur
Chhattisgarh.

---- Respondent

For Applicant	: Mr. Arvind Shrivastava, Advocate.
For Respondent/State	: Mr. Ghanshyam Patel, G.A.
For Objector	: Mr. Bhaskar Payashi, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

13.08.2020

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as she is apprehending her arrest in connection with Crime No. 365/2019, registered at Police Station: Pandri, District-Raipur (C.G.) for the offence punishable under Section 384/34 of IPC.
2. In this case there are two accused persons, another co-accused namely Ms. Priti Tiwari has been granted regular bail by the coordinate bench of this Court. According to the case of prosecution, on 26.09.2019, one Chetan Shah, lodged an FIR alleging therein that, the present Applicant and other co-accused Preeti Tiwari, from 09.11.2015 to 25.09.2019 continuously extorted him and obtained 1,38,00,000/- from him during that period. Allegations against the present Applicant is that during the said period on 04 occasions, she extorted the complainant through e-mail messages thereby, she was involved in the said crime-in-question. On the basis of said, offence has been registered.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case. He submits that in the

FIR there is no any specific allegations against the present Applicant regarding extortion and the main accused person of this case has been already granted regular bail by this Court vide order dated 07.11.2019 passed in MCRC No.7080/2019. He further submits that from the contents of e-mail messages also there is no offence under Section 384 of IPC, therefore, Prima Facie, no case can be made out against the present Applicant, therefore, he prays for grant of anticipatory bail to the Applicant.

4. Per contra, learned counsel appearing on behalf of State as well as for the Objector opposes the bail application. Learned counsel for the Objector submits that though in FIR it has not been mentioned that in the month of February, 2019 Rs.20 Lakhs has been obtained by the present Applicant from the complainant but from the bank statement it has been established that in the month of February, 2019 itself, Rs.6,50,000/- has been transferred from the account of present Applicant to the account of co-accused Ms. Preeti Tiwari, thus, it is Prima Facie established that the present Applicant is involved in the said crime-in-question along with the co-accused, therefore, it is prayed by him that the anticipatory bail application of the present Applicant be rejected.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties and particularly considering that in FIR there is no direct allegations against the present Applicant, after going through contents of the messages related to e-mail account of the present Applicant also I do not found any offence on the basis of which, Prima Facie offence under Section 384 of IPC is made out, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one local surety for the like sum to the satisfaction of the officer arresting her and she shall abide by all the following terms and conditions:-

- I. That the accused/applicant shall made herself available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/applicant 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 him/her from disclosing such facts to the Court or to any police officer;
- III. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. 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.

Sd/-

(Arvind Singh Chandel)
Judge