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

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Date of Decision: 10.02.2020

+ **BAIL APPLN. 387/2020 & CRL M.A.2986/2020**

HEMANI @ HEMA

..... Petitioner

Through: Ms. Anisha Jain along with
Mr. R.K.Verma, Mr. Nitin
Jain and Mr. Karan Jain,
Advocates.

versus

THE STATE OF DELHI

..... Respondent

Through: Mr. Raghuvinder Varma,
Additional Public Prosecutor
for respondent/State with
SI Narendra Kumar: PS
Malviya Nagar.

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

J U D G M E N T

BRIJESH SETHI, J (ORAL)

CRL M.A.2986/2020(Exemption)

Allowed, subject to all just exceptions.

BAIL APPLN. 387/2020

1. Vide this order, I shall dispose of a bail application filed

under section 439 Cr.P.C on behalf of the petitioner **Hemani @ Hema** in FIR No. 0204/2019 u/s. 384/386/506/120B IPC & 12 POCSO Act, PS Malviya Nagar.

2. During the course of arguments, Ld. APP for the state had sought time to file reply/status report. However, Ld. Counsel for the petitioner insisted for disposal of bail application today itself. In these circumstances, the bail application was heard today itself and is being decided after going through the record and police file.

3. Ld. Counsel for the petitioner has prayed for bail on the ground that petitioner is innocent and has been falsely implicated. It is submitted that no transaction have been made from Paytm Wallet registered with mobile no. 7011705986 which is in the name of victim and also no Whatsapp communication was done from 2016 to 2019 between victim and petitioner. It is further submitted that in the statement of victim, recorded under Section 164 Cr.P.C., name of petitioner is not mentioned. It is further submitted that nothing was recovered from the possession of the petitioner at the time of her personal search. It is further submitted that it is not possible for a minor girl to transfer a huge amount of Rs. 30 Lacs from the

account of her father without having knowledge of login password. It is further submitted that petitioner is an illiterate house wife and she has no knowledge about operation of any android phone and therefore, not able to commit such an offence. It is, therefore, prayed that petitioner be released on bail.

4. Ld. APP for the State has opposed the bail petition on the ground that the allegations against the petitioner are serious in nature. The documents placed on record i.e. whatsapp conversation and payment Wallet account clearly, prima facie, indicate involvement of petitioner along with her daughter/co-accused in the commission of offence. Ld. APP, has therefore, prayed for dismissal of bail application.

5. I have considered the rival submissions. As per prosecution version, the minor daughter of the complainant was using Facebook and in month of June 2016, she met with one Ruchi Chuhan through facebook. Thereafter through Facebook and WhatsApp, Ruchi Chauhan (Mobile no. 8130610097 and 8800366801) had talked with the complainant's minor daughter. One day Ruchi Chauhan and her mother i.e. petitioner herein called the daughter of the complainant

at flat no. T-72, Hauz Khas, New Delhi and offered her cold drink. After having the cold drink, victim became unconscious and when she re-gained consciousness, co-accused Ruchi Chauhan and petitioner Himani @ Hema threatened the victim that they have her nude video with them and if she does not listen to them, they will upload the video on facebook. It is further alleged that on the basis of these alleged nude video, for over two years petitioner and her daughter Ruchi Chauhan extorted an amount of Rs.3000,000/- and jewellery articles and Scooty from the victim. It is further alleged that victim was also forced to transfer Rs. 1,00,000/- via Paytm on different dates (10.01.2018 to 27.06.2018).

6. The above allegations appearing against the petitioner are serious in nature. On the threat of uploading the nude video of victim, petitioner along with her daughter has extorted a huge amount, jewellery as well as Scooty from the victim. Thus, keeping in mind the nature and gravity of offence, no grounds for bail are made out at this stage. The bail application is, therefore, dismissed and stands disposed of accordingly.

BRIJESH SETHI, J

FEBRUARY 10, 2020/Ak