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

+ BAIL APPLN.607/2020

VARUN RIJHWANI

.....Petitioner

Represented by: Mr.Manjit Singh Ahluwalia,
Advocate.

versus

STATE

.....Respondent

Represented by: Ms.Manjit Arya, APP for the State
with SI Amit Kumar, PS Vikas Puri.
Ms.Meena Choudhary Sharma,
Advocate for the complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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14.05.2020

The hearing has been conducted through video conferencing.

CRL.M.A.6376/2020 (early hearing)

1. By this application, petitioner seeks preponement of hearing of Bail Appln. No.607/2020.
2. Considering the fact that the petitioner had filed Bail Appln.607/2020 seeking anticipatory bail, present application is allowed, preponing the hearing of Bail Appln.607/2020.
3. Application is disposed of.

BAIL APPLN.607/2020

1. This is the second bail application filed by the petitioner seeking anticipatory bail before this Court in case FIR No.449/2019 under Sections 354/354 (C)/384/406/420/506/120B IPC registered at PS Vikas Puri, Delhi.
2. As per the petitioner when his first anticipatory bail being Bail Appln. No.177/2020 came up before this Court, it got clubbed with that of the main accused Krishan Kumar with the result the application of the petitioner was not heard on merits and hence seriously prejudiced the petitioner.

3. It would be thus appropriate to note the order of this Court dated 4th February, 2020 dismissing the petitioner's anticipatory bail along with that of the two other co-accused namely Krishan Kumar and Ankur Rijhwani as under:

1. As all the three bail applications arise out of one common FIR, the same are being heard and disposed of together by this common order.

2. So far as bail application with respect to the applicant Krishan Kumar is concerned, the same has been filed under Section 439 Cr.P.C. seeking regular bail in FIR No.449/2019, registered under Sections 354/354C/406/420/384/506/120B IPC, at Police Station Vikaspuri, Delhi, whereas the other two applicants, namely Ankur Rijhwani and Varun Rijhwani are seeking anticipatory bail in the said FIR.

3. I have heard learned counsel for the petitioners as well as learned APP for the State, duly assisted by learned counsel for the complainant and perused the records.

4. Learned counsel for the applicant Krishan Kumar submitted that there is no material collected by the Investigating Agency which connects the applicant with the present case. He further submits that whereas in the complainant, the complainant has stated that the incident occurred in the year 2016, however, later she has improved her version by stating that the incident is of the year 2018. It is further submitted by him that the applicant has already handed over his mobile phone and laptop to the Investigating Officer and nothing incriminating has been found against him. It was further submitted that the applicant is in custody since 26.12.2019.

5. Learned counsel for the applicants Ankur Rijhwani and Varun Rijhwani submitted that the applicants were known to the complainant for the past many years. The complainant has levelled allegations which are neither specific about the date nor in the manner in which the money/jewellery articles are stated to be handed over to the said applicants. He further submitted that in fact the applicants have given a loan of Rs.20 lacs to the complainant in March, 2018 and submits that in this regard, a complaint dated 25.11.2019 has been made to

the Police against the complainant. It is also submitted that the complainant had issued a post dated cheque of IDBI Bank for sum of Rs.20 lacs in favour of the applicant Ankur Rijhwani.

6. Learned APP for the State, duly assisted by the learned counsel for the complainant has submitted that the applicant Krishan Kumar had blackmailed and threatened the complainant of uploading her vulgar video on the social media and demanded Rs.1 crore from the complainant. Further, the mobile phones of the complainant as well as the applicants have been seized. Learned APP, on instructions, further submits that the mobile phone is yet to be sent for the FSL examination.

7. Learned APP further submits that on verification of the Facebook account of the complainant, the profile of applicant Krishan Kumar has been found to be locked. She further submits that the applicant had denied knowing the complainant but in his recovered mobile, the complainant's mobile number was found saved in the name of 'Taru Delhi'. The mobile number of the applicant Varun was also found saved in the name of 'Ankur Gift Deliver 2'

8. So far as applicants Ankur Rijhwani and Varun Rijhwani are concerned, it has been submitted that the applicants in conspiracy with each other and the applicant Krishan Kumar have extorted an amount of Rs.1 crore (approx.) from the complainant by way of blackmailing, out of which payments of Rs.26 lacs have been verified by the Investigating Officer and in this regard, statements of the witnesses namely, Rajesh Garg, Meenakshi Garg and Bablu (employed with the petitioners) have been recorded. So far as cheque of Rs.20 lacs is concerned, it has been verified from the IDBI Bank that the bank account of the applicant was already closed on 31.07.2015 while the cheque of Rs.20 was presented for encashment in December, 2019. It is stated that the amounts stated to be paid through Paytm are still being verified.

9. Learned APP has further submitted that statement of the concerned person from Sai FinCorp. Pvt. Ltd. has been recorded wherein it has been stated that on one of the occasions, the complainant has accompanied the applicant Ankur Rijhwani at the time of pledging of the gold. Some of the gold jewellery has already

been released to the applicants while the remaining is still lying with the Sai FinCorp Pvt. Ltd. It is further submitted that the complainant has produced the photographs which show that the jewellery pledged with Sai FinCorp Pvt. Ltd. belonged to her.

10. It is further submitted that the complainant had lastly received a message on 18.09.2018 and on verification, the sender's mobile is found belonging to one Ajit. On investigation, Ajit has stated that he was an employee of the applicants Ankur Rijhwani and Varun Rijhwani. The Investigating Officer has recorded statement of Ajit, in which it has been stated that on the afore-mentioned date, the abovenamed petitioners had borrowed his mobile phone. A perusal of the message indicates that the money was demanded from the complainant.

11. In view of the above discussion, I do not find any merit in the bail applications. The above-noted bail applications are dismissed.

4. A perusal of the order dated 4th February, 2020 clearly notes the contention of learned counsel for Ankur Rijhwani and Varun Rijhwani in para-5 and from para-8 onwards this Court has dealt with the arguments raised on their behalf. Merely because there is a change in the counsel, it cannot be a ground to re-hear the application.

5. Learned counsel for the petitioner urges that complete facts were not brought to the notice of the Court in the first instance and the petitioner has been fabricated in this case. No message was sent from Ajit's phone by the petitioner or co-accused Varun Rijhwani and the same was actually sent by the complainant herself.

6. The above noted FIR was registered on the complaint of 'T', who alleged that three years ago while she was going through the profile of her friend, that is, the petitioner herein, she saw a picture of Krishan Jaat and she inquired who he was. Ankur responded that he was one of the customers and was into TV and film

industry but he was not dealing with him for sometime. After two-three days she received a friend request from Krishan Jaat who also sent his introduction. Thereafter telephone numbers were exchanged and the complainant accepted the friend request. In one of the video calls the said Krishan Jaat exposed himself and started uttering indecent language, perplexed by which the complainant disconnected the call but she was again contacted telephonically when Krishan Jaat apologized and stated that he would not repeat this act. Accepting the apology the two of them again entered into a conversation however, the conduct of Krishan Jaat did not improve and he uttered cheap and filthy words. Krishan Jaat convinced her that he would promote her in the film industry and TV industry. He also pressurized her for this purpose and made her pose in front of him through video chat. Later she came to know that the same was a trap for blackmailing her. Out of fear when she was receiving blackmailing threats based on her photographs and morphed videos, the complainant called up Ankur and wife of Varun and also met them.

7. From the allegations further in the FIR it is apparent that the complainant was made to part with her jewellery to Ankur and Varun who were also involved in blackmailing her with Krishan Jaat. Even after taking money the petitioner refused to delete the videos and demanded more payments.

8. Considering the allegations made in the FIR and the facts revealed during the course of the investigation as also noted in the previous order rejecting the anticipatory bail application of the petitioner, this Court finds no ground to grant anticipatory bail to the petitioner. Bail application is dismissed.

9. Copy of the order be uploaded on the website of the Court.

MUKTA GUPTA, J.

MAY 14, 2020/‘vn’