

Anokhilal vs The State Of Madhya Pradesh on 13 July, 2022

Author: Pranay Verma

Bench: Pranay Verma

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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE PRANAY VERMA
ON THE 13th OF JULY, 2022

MISC. CRIMINAL CASE No. 34135 of 2022

Between: -

ANOKHILAL S/O SHRI AMAR SINGH KHAROL ,
AGED ABOUT 37 YEARS, OCCUPATION:
ADVOCATE R/O 1-119 LIG COLONY (MADHYA
PRADESH)

(SHRI ANOKHI LAL, PETITIONER PRESENT IN PERSON)

AND

THE STATE OF MADHYA PRADESH STATION
HOUSE OFFICER THROUGH POLICE STATION
AERODROME, INDORE (MADHYA PRADESH)

(RESPONDENT/STATE BY SHRI GAURAV SINGH CHOUHAN
GOVT. ADVOCATE AND OBJECTOR MS. DEEPA GYANI,
ADVOCATE IN PERSON)

This application coming on for admission this day,
following:

ORDER

1. They are heard. Perused the documents/challan papers.

2. This is applicant's First application under Section 438 of Criminal Procedure Code, 1973 for grant of anticipatory bail, as the applicant is apprehending his arrest in connection with Crime No.506/2022 registered at Police Station Aerodrome, Indore, District Indore (MP) for offence punishable under Sections 384, 388 of IPC.

3. As per the prosecution, on 17.06.2022, one Ekta Jain came to the Police Station for registering a complaint against one Rahul Gyani to the effect that on SARVATE Date: 2022.07.20 19:29:38 IST false pretext of getting her a job he had taken her to cafe and committed rape upon her.

Subsequently Deepa Gyani, sister of Rahul Gyani also came to the Police Station and said that Ekta Jain is in touch with her husband Tarun and a dispute is going on between Deepa Gyani and Tarun and for pressurizing Deepa Gyani to take divorce from Tarun a conspiracy has been made by getting acquainted with Rahul and getting him involved in a false case of rape and extorting money for not getting such a case registered. Thereafter the phone of Ekta Jain was checked and the allegation of Deepa Gyani was strengthened from the material found in it. Ekta Jain requested the Police Officer to register a case stating that she would take Rs.5,00,000/- and shall give half to him.

Thereafter Ekta Jain left. Subsequently a complaint was made by Deepa Gyani against the acts of Ekta Jain. Statement of Deepa Gyani was recorded in which she reiterated the allegation leveled by her earlier. On being called Ekta Jain did not appear for recording of her statement. The allegation against the applicant is that he had been in contact with Ekta Jain for the purpose of extorting money from Tarun. He is alleged to have been conspiring with Ekta Jain for the purpose of helping her to falsely implicate Tarun Kaithwas. On such allegation applicant has been implicated for the present offence.

4. The applicant submits that he is innocent and has falsely been implicated in the case. There is no material whatsoever against him as regards him being involved in the matter along with Ekta Jain except the whatsapp chat between him and her. Said chats prima facie are wholly insufficient for constituting any offence against the applicant. In any case the allegation is only as regards him conspiring to extract money from the victim but pursuant to such conspiracy no amount has changed hands hence it cannot be said that any extortion has been done by the applicant. Ekta Jain is his client and he had been in touch with her in his professional capacity more so when he has been his counsel in other cases also. It is hence submitted that he deserves to be granted the benefit of anticipatory bail.

5. The aforesaid prayer has been opposed by the learned counsel for the respondent/State as well as the objector Deepa Gyani Kaithwas submitting that in view of the allegations levelled against the applicant and the material collected by the prosecution against him he is not entitled to be released on bail particularly when the mobile phone from which he had been in contact with Ekta Jain is yet to be recovered.

6. I have heard learned counsel for the parties and have perused the case diary.

7. The implication of the applicant is on the basis of the whatsapp chat between him and Ekta Jain, who appears to be his client in respect of certain other cases also. Besides the whatsapp chat there does not appear to be any other material on record against the applicant. The veracity of the chat is yet to be ascertained. Though the allegation is of extorting money but no money has been paid as a result of such threat of extortion. Thus, looking to the overall facts of the case, applicant deserves to be granted the benefit of anticipatory bail.

8. Accordingly, this application is allowed. It is directed that in the event of arrest, applicant Anokhilal S/o Amar Singh Kharol shall be released on bail, upon his executing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) and furnishing solvent surety in the like

amount to the satisfaction of the Arresting Officer (Investigating Officer).

Officer, as and when required. Applicant shall further abide by the other conditions enumerated in Sub Section (2) of Section 438 of the Code of Criminal Procedure, 1973.

10. It is further directed that the Investigating Officer shall issue notice to the applicant who shall appear before him on the date fixed in the notice and shall surrender his mobile phone and shall fully cooperate in the investigation and shall continue to appear before the Investigating Officer as and when directed.

11. Accordingly, Miscellaneous Criminal Case No.34135/2022 stands allowed.

Certified copy as per rules.

(PRANAY VERMA) JUDGE ns