

Kushal Rakheja vs State Gnct Delhi on 17 September, 2024

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 2447/2024
KUSHAL RAKHEJA

Through: Mr. Arsh Bhalla, Mr.
Kunal Shahi and Mr.
Vivek Kumar Verma,
Advs.

versus

STATE GNCT DELHI

Through: Mr. Ajay Vikram Singh
APP for the State w
Jarnail Singh, PS P
Bagh.
Mr. Abhineet Gulati
for the complainant

+ BAIL APPLN. 2980/2024 & CRL.M.A. 24968/2024,
CRL.M.A. 24969/2024, CRL.M.(BAIL) 1403/2024
AMRITA SETHI

Through: Mr. Adit S. Pujari, M
Naman Jain, Ms. Man
Vohra and Mr. Fazal
Haroon, Adv.

versus

STATE (NCT) OF DELHI

Through: Mr. Ajay Vikram Singh
APP for the State w
Jarnail Singh, PS P
Bagh.
Mr. Abhineet Gulati
for the complainant

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN
ORDER

% 17.09.2024

1. The present bail applications are filed seeking regular bail in FIR No. 935/2023 dated 28.12.2023, registered at Police Station Punjabi Bagh, for offences under Sections 384/506/120 of the Indian Penal Code, 1860 (IPC).

2. The FIR was registered on a complaint given by the This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 19/09/2024 at 10:29:12 complainant, namely, Jitender Kawatra, who alleged extortion by inducing fear of false accusations of attempt to rape, sexual harassment, robbery, wrongful restraint against the applicants and

another co-accused, namely, Hardev Singh Sethi.

3. It is alleged that the complainant had attended one party in the month of August 2022, where the applicants were also present and had allegedly picked a quarrel with the complainant. It is alleged that thereafter the applicants started calling the complainant on his mobile phone number and allegedly started intimidating and threatening him of falsely implicating him.

4. It is alleged that the applicants along with another person, reached the complainant's house and threatened him of making false accusations against him. It is alleged that thereafter the complainant, out of fear of losing his goodwill, succumbed to the threats and gave 5,00,000/-.

5. It is alleged that the complainant, due to constant threats, paid a total sum of 1,07,65,000/- over a period of time to the applicants. It is alleged that the complainant and the accused persons had entered into a compromise on 22.11.2022 where the applicants issued an apology and promised that no threats would be made to the complainant in future.

6. The applicants were arrested on 28.12.2023 and are in custody since then.

7. The chargesheet has already been filed in the present case.

8. The learned counsel for the applicants submits that investigation in regard to the applicants is complete and the chargesheet has already been filed.

9. They submit that the applicants have been falsely implicated in the present case since even as per the allegations, This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 19/09/2024 at 10:29:12 the alleged extortion started in the year 2022 but was reported to the police for the first time only on 28.12.2023.

10. They further submit that the applicants have been charged for offences, for which the maximum punishment is seven years and even though Section 388 of the IPC entails the maximum imprisonment up to ten years but the offence is bailable in nature.

11. The learned Additional Public Prosecutor (APP) for the State submits that serious allegations have been made against the applicants.

12. He submits that the transcript of the phone conversation clearly shows that the complainant was victimised and threatened and huge amount of money was taken by the applicants.

13. The learned counsel for the complainant also supports the arguments advanced by the learned APP for the State.

14. He submits that the complainant was put in a fear of death and he was also threatened on numerous occasions of being falsely implicated in accusations of rape / attempt to rape.

15. I have heard the learned counsel for the parties.

16. It is not disputed that the chargesheet has already been filed in the present case. The allegations were made against the applicants and another co-accused, namely, Hardev Singh Sethi, who also happens to be the father of the applicant, Amrita Sethi.

17. The chargesheet also indicates that the role assigned to the co-accused Hardev Singh Sethi, is similar to the role which is alleged against the present applicants.

18. The prosecution also relies upon the phone conversation that the complainant had with the accused Hardev Singh Sethi, and it is alleged that the said co-accused also threatened the complainant and asked for money. It is not the case of the This is a digitally signed order.

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19. It is seen that the co-accused Hardev Singh Sethi is admittedly enlarged on bail by order dated 16.02.2024, passed by the learned Additional Sessions Judge (ASJ).

20. The learned ASJ, while granting bail to the co-accused Hardev Singh Sethi, noted that the alleged extortion started in the year 2022 and was reported to the Police for the first time on 28.12.2023. The order dated 16.02.2024 has not been challenged either by the State or the complainant.

21. It is not disputed that the investigation is complete and all the material is in possession of the prosecution. The chargesheet in the present case has already been filed. Evidently, the custody of the applicants are no longer required.

22. Considering the aforesaid, and the fact that the other co-accused person has already been released on bail, this Court is of the opinion that no purpose would be served by keeping the applicants in further incarceration.

23. In view of the above, the applicants are directed to be released on bail on furnishing a bail bond for a sum of 25,000/- each with two sureties of the like amount by each applicant, subject to the satisfaction of the learned Trial Court, on the following conditions:

- a. The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;

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c. The applicants shall appear before the learned Trial Court as and when directed;

d. The applicants shall provide the addresses where they would be residing after their release and shall not change the addresses without informing the concerned IO/SHO;

e. The applicants shall, upon their release, give their mobile numbers to the concerned IO/SHO and shall keep their mobile phones switched on at all times.

24. In the event of there being any FIR/ DD entry/ complaint lodged against the applicants, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

25. It is clarified that any observations made in the present order are for the purpose of deciding the present bail applications and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

26. The bail applications are allowed in the aforementioned terms. Pending application(s) also stand disposed of.

27. A copy of this order be placed in both the matters.

AMIT MAHAJAN, J SEPTEMBER 17, 2024/'KDK' This is a digitally signed order.

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