

Sonia Keshwani vs The State Of Madhya Pradesh on 2 April, 2024

Author: Maninder S. Bhatti

Bench: Maninder S. Bhatti

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IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE MANINDER S. BHATTI
ON THE 2 nd OF APRIL, 2024
MISC. CRIMINAL CASE No. 11714 of 2024

BETWEEN: -
SONIA KESHWANI D/O SHRI MANOHAR KESHWANI,
AGED ABOUT 27 YEARS, R/O 1858 DWARKA NAGAR
LALMATI P.S. GHAMAPUR DISTRICT SEONI (MADHYA
PRADESH)

(BY SHRI VISHAL DANIEL - ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH THROUGH
POLICE STATION OMTI DISTRICT JABALPUR
(MADHYA PRADESH)
2. MOHIT DUDEJA S/O NARESH DUDEJA, AGED
ABOUT 30 YEARS, R/O 1233/4-D NARBADA ROAD
JABALPUR (MADHYA PRADESH)

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(STATE BY SHRI C.S. PARMAR - GOVT. ADVOCATE)
(RESPONDENT NO. 2 BY SHRI AMAN DAWRA - ADVOCATE)

This application coming on for admission this day, the court
following:

ORDER

This is first bail application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail relating to FIR/Crime No. 32/2023 dated 17.1.2023 registered at Police Station Omti District Jabalpur for the offence punishable under Section 384, 389, 452, 506, 427 of Indian Penal Code.

2. Counsel for the applicant contends that in the present case the offences under Sections 384, and 452 of I.P.C are non-bailable. As per allegation levelled by the prosecution, no amount or any kind of

any property or valuable security was delivered to the present applicant. Hence, there was no case of extortion in terms of Section 383 of I.P.C and accordingly no case under Section 384 I.P.C could have been registered. The counsel also submits that even no offence under Section 452 of I.P.C is made out against the applicant. The allegation that the applicant came to the house of the complainant and made an attempt to ransack it. It is contended by the counsel that the Apex Court in the case of Isaac Isanga Musumba and others v. State of Maharashtra and others [(2014) 15 SCC 357] has held that if there is no delivery of any property or valuable security or money there cannot be any offence of extortion. It is also contended by the counsel that the Trial Court rejected the bail application while observing that against the present applicant there are other cases of similar nature were registered in past. Whereas the Trial Court was required to appreciate that previously as many as four cases were lodged by the present applicant against her husband Vikas Ramrakhyani. Details of those four cases have been given in paragraph 5 (vi) of the application. Therefore, such cases could not have been made the basis to reject the application of the applicant. It is contended by the counsel that the applicant is innocent and, is in custody since 19.2.2024. It is contended by the counsel that the applicant herself was a victim but unfortunately has been falsely implicated.

3. Per contra counsels for the State as well as Objector have opposed the application and submitted that the present application is liable to be dismissed. It is contended by the counsel that the applicant is in habit of lodging false and frivolous cases and details of all cases have been taken into consideration by the Trial Court while rejecting the application of the present applicant vide order dated 2.3.2024. It is also contended by the counsel that, the present applicant, is in the habit of blackmailing and number of persons have been made scapegoat at the instance of present applicant. The applicant even lodged the false First Information Report against the persons and, therefore, the applicant is not entitled for grant of bail. In the present case there are direct allegations against the applicant and as per the allegations, the applicant while threatening the complainant extorted money and even ransacked the shop of the complainant and the conduct of the applicant was also captured in C.C.T.V of the shop. It is thus contended by the counsel that present application is liable to be dismissed.

4. Heard the submissions and perused the case diary.

5. A perusal of the case diary reflects that there are direct allegations of extortion against the applicant. The statement of Mohit Dudeja also reflects that upon being threatened he gave a sum of Rs.1,80,000/- to the present applicant. It is also not in dispute that the present applicant has also lodged 5 cases under Section 376 I.P.C against different persons including two cases against one Vikas Ramrakhyani who, according to applicant, is her husband.

6. Thus, in view of the direct allegations against the applicant, this Court is not inclined to enlarge the applicant on bail.

7. Resultantly, the present M.CR.C stands dismissed (MANINDER S. BHATTI) JUDGE vivek