

## Deepti Dixit vs The State Of Madhya Pradesh on 6 July, 2018

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HIGH COURT OF MADHYA PRADESH:JABALPUR

MCRC No.22698/2018

(Deepti Dixit Vs. The State of MP)

Dated: 06.07.2018

Shri Rakesh Chourasiya, learned counsel for  
the applicant.

Shri D.K.Paroha, learned Govt. Advocate for  
the respondent/State.

Shri Shrikant Mishra, learned counsel for the objector.

Heard and perused the case diary.

This is the first application filed under Section 438 of Cr.P.C. filed by the present applicant, who is apprehending her arrest in connection with Crime No.397/2018 registered at Police Station TT Nagar, Bhopal for the offences punishable under Sections 384, 386, 34 of IPC.

The allegation against the present applicant is that she obtained a cheque of Rs.20 lakhs from complainant Rajesh Parashar by way of extortion. She had threatened the complainant that if the amount is not given to her, she would falsely implicate him under a rape case. Initially the applicant was appointed as a Director in the Ayurvedic College run by the complainant and after befriending his family, she obtained around 17 lakhs from the complainant for which a cheque of Rs.17 lakhs was also given by the husband of the applicant to the complainant but the same was dishonoured and when the complainant demanded the aforesaid sum, she not only demanded a huge money from the complainant through her friend Vishwa Pratap Singh but obtained the aforesaid cheque of Rs.20 lakhs on 27.3.2018. Thereafter, an FIR has been lodged against the applicant on the basis of a complaint lodged by the wife of complainant.

Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case, as she belongs to a reputed family and she has obtained money only by way of loan, but the entire amount which was received by her, has already been paid through her salary only and nothing remains to be paid to the complainant. It is further submitted that the applicant has been subjected to rape since 2012 which continued till 2018 and when the applicant could not bear any more, she left the complainant's job and started to work at another place, but the complainant did not allow the applicant the said liberty and threatened on the basis of photographs and videos of the rape which he committed and on the pretext of said photographs and videos, the complainant called her in a hotel at Bhopal and again raped her hence an FIR has also been lodged by her on 17.4.2018. Thus, learned counsel for the applicant has submitted that only to pressurizing the applicant to compromise in the rape case, a case of extortion has been lodged against her. Counsel has further submitted that the anticipatory bail be granted to the applicant who is also a mother and has to look after her children who are dependent on her.

On the other hand learned counsel for the State has opposed the prayer of the applicant and has submitted that there is clinching evidence against the present applicant to establish that she is involved in extortion business, as earlier occasion also a complaint has been made against her by one Vivek Rai at Chhindwara Police Station. It is further submitted that the transcript of conversation between Vishwa Pratap Singh, friend of the applicant and her husband is also on record, which is sufficient to prima facie come to a conclusion regarding the involvement of the applicant in the above mentioned case.

Learned counsel for the objector, who has also filed written objection has reiterated the contention raised by the learned counsel for the State, and has submitted that the applicant is in the habit of indulging in such a practice and has taken undue advantage of her gender. It is further submitted that when the applicant was initially appointed by the complainant, they had good family relations, however taking into advantage of their relationship, she had obtained a sum of Rs.17 lakhs from the complainant, which is evident from the cheque which has been issued by the husband of the applicant, but the same was dishonoured due to insufficient funds. It is further submitted that the applicant was threatening the complainant and his wife that she would falsely implicate the complainant in a rape case if her demands are not met. It is further submitted that the applicant has lodged an FIR on 22.3.2018 only and after coming to know that a report has been filed against her, as a counter blast she has also lodged an FIR on 17.04.2018 against the complainant alleging rape. Learned counsel for the objector has further submitted that the applicant has relationship with many persons including one Vishwa Pratap Singh, who is instrumental in demanding extortion money along with her husband and earlier also she had intimate relations with one Vivek Rai, who has also lodged a complaint against the applicant alleging extortion.

Heard the learned counsel for the parties and perused the case diary.

From the case diary it appears that the complainant in the present case had filed his complaint at the police station on 22.3.2018 and subsequently the FIR at Crime No.397/2018 has been registered on 10.5.2018 and in between the applicant has also lodged an FIR on 17.04.2018 alleging her sexual exploitation by the complainant since 2012 till 2018. From the case diary, this Court also finds that the communication regarding extortion which is brought on record by the prosecution is either with Vishwa Pratap Singh, the friend of the applicant or with her husband Deepesh Dixit of the applicant, who has also issued a cheque of Rs.17 lakhs to the complainant which has already been dishonoured and he is also the recipient of the cheque of Rs.20 lakhs given by the complainant alleging extortion. Another case of the similar nature, the complaint of which was lodged by one Vivek Rai on 01.02.2016 at Police Station Chindwara is recorded as NCR (non cognizable offence) and no FIR has been lodged against the applicant. In view of the above mentioned facts and circumstances of the case, the custodial interrogation of the applicant is not warranted.

As a result, without expressing any opinion on the merits of the case, the application filed by applicant under Section 438 of Cr.P.C. is hereby allowed and it is directed that in the event of her arrest, present applicant namely Deepti Dixit shall be released on bail on her furnishing a personal bond in the sum of Rs.50,000/- (Rupees fifty thousand only) with a solvent surety in the like amount to the satisfaction of the Arresting Authority (Investigation Officer).

The applicant shall further abide by the following conditions:-

"(i) that the applicant shall make herself available for interrogation by a police officer as and when required;

(ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against her so as to dissuade her from disclosing such facts to the Court or to any police officer;

(iii) that the applicant shall not leave India without the previous permission of the Court; and

(iv) that the applicant shall not commit an offence similar to the offence of which she is accused, or suspected, of the commission of which she is suspected."

Certified copy as per rules.

(Subodh Abhyankar) Judge Date: 2018.07.12 11:34:02 +05'30' Ansari