

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 518 of 2015

- 1. Hafij Khan S/o Kudrat Khan Aged About 47 years R/o Village Ghoghri, Police Station Dabhra, Rev. And Civil Distt. Janjgir Champa Chhattisgarh.
- 2. Mustak Khan S/o Hafij Khan Aged About 26 Years R/o Village Ghoghri, Police Station Dabhra, Rev. And Civil Distt. Janjgir Champa Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through District Magistrate Janjgir-Champa, District Janjgir-Champa Chhattisgarh And Also Through Police Station Dabhra, District Janjgir Champa Chhattisgarh.

---- Respondent

For Applicant/s	: Shri Pushpendra Kumar Patel, Adv.
For Non-applicant / State	: Shri Vinod Tekam, Panel Lawyer

Order On Board

08/07/2015

Heard.

The applicants are apprehending their arrest in connection with Crime No.104/15 registered at police station Janjgir -Champa, C.G. for alleged commission of offence under Section 147, 294, 506, 323, 327 of IPC.

- 2. Case of the prosecution is that the applicants, in order to extort money, assaulted the complainant.
- 3. Learned counsel for the applicants submits that they are being falsely implicated on exaggerated allegations. The applicants were engaged as labourers for white washing in Panchayat building and after that, when in the evening, wages were demanded, the Sarpanch and her brother-in-law avoided payment, due to which dispute arose. He submits that it is not a case of extortion.
- 4. On the other hand, learned State counsel submits that the applicants compelled the complainant to give money for consumption of liquor and when it was not given, they assaulted the complainant. Therefore, prima facie case under Section 327 IPC is made out which is non bailable in nature.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that even according to the police case, the applicants were engaged in white washing in the Panchayat building and dispute arose on account of non-payment of wages, the application is allowed.

6. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the arresting officer on each of them furnishing a personal bond in the sum of Rs.10,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

1. (i) the applicants shall make themselves available for interrogation by the police officer as and when required;
2. (ii) the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)

Judge