

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3722 of 2015

Mohd. Amin Memon, aged about 46 years, S/o Hazi Ismaeil Memon, R/o Power House Road, Thana Kotwali, Distt. Korba

---- Applicant

Versus

The State of Chhattisgarh, through Police Chowki Manikpur, District Korba

---- Non-applicant

For Applicant:	Mr. Parag Kotecha, Advocate.
For Non-applicant:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

04/08/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.231/2015, registered at Police Chowki Manikpur, Police Station Kotwali, Distt. Korba, for the offence punishable under Section 386 of the IPC.
2. Case of the prosecution, in brief, is that on 28-5-2015, the applicant extorted Suresh Chandra Tiwari, the complainant, at the instance of Manish Sharma and Dilip Dewangan to vacate the land and put Suresh Chandra Tiwari in fear of death.
3. I have heard learned counsel for the parties and perused the case diary.
4. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. He further submits that there is already a civil dispute pending in which temporary injunction is operating against Suresh Chandra Tiwari and in favour of Manish Sharma and Dilip Dewangan. The applicant is in jail since

4-6-2015 and charge sheet has already been filed.

5. On the other hand, learned State counsel opposes the application and submits that the applicant has extorted money from Manish Sharma and Dilip Dewangan to threaten Suresh Chandra Tiwari and to get the land vacated which is apparent from the CCTV footage, audio-video CD and mobile of son of the applicant as such, bail should not be granted to the applicant.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, pendency of civil dispute between the parties, pre-trial detention of the applicant, role of the present applicant and the fact that charge-sheet has already been filed, I am of the view that it is a fit case to grant regular bail to the applicant. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge