

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1198 of 2015

1. Shital Nag S/o Late Vinod Nag Aged About 39 Years R/o Village Banskot, Police Station Vishrampuri, District Kondagaon(Chhattisgarh).
2. Ayodhya Prasad Sahu S/o Amar Singh Aged About 38 Years R/o Village Banskot, P.S. Vishrampuri, Distt. Kondagaon, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through: Station House Officer, Police Chowki: Banskot, Police Station: Vishrampuri, District: Kondagaon (Chhattisgarh)

---- Respondent

For Applicants	:-	Mr. Govind Ram Miri along with Mr. Basant Kaiwartya , Advocates.
For Respondent/State	:-	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03/12/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No. 123/2015, registered at Police Chowki - Banskot, Police Station- Vishrampuri District Kondagaon (C.G.) for offence punishable under Sections 384 read with section 34 of IPC.
2. Case of prosecution, in brief, is that the applicant No. 1 was the Sarpanch of village Banskot and the applicant No. 2 was the contractor who was given the contract to collect the weekly market tax. It is alleged that the applicants apart from the weekly market tax has collected the other taxes from the persons who open their shops in Dashahra festival, therefore, he illegally recovered the money and give extortion to the businessman. Hence, the offence is is registered.

3. Counsel for the applicants submit that the applicant No. 1 was the Sarpanch and the applicant No. 2 was given power to recover the tax being the contractor of weekly market and he does not commit any crime as after recovery, the money has been deposited as per the resolution passed by the Gram Sabha itself. He relied on the copy of resolution which has been filed along with the bail application in which signature of 20 persons were received and necessary receipts were also issued to them, therefore, he may be extended the benefit of anticipatory bail.

4. Per contra, counsel for the State opposes the application for grant of anticipatory bail.

5. Perused the case diary. After perusal of the case diary and the documents filed, prima facie it appears that the applicants received weekly market tax and receipt were issued and therefore, considering the resolution passed by Gram Sabha of village Banskot, I am inclined to enlarge the applicants on anticipatory bail .

6. Accordingly, the anticipatory bail application is allowed and 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 officer arresting then on executing a personal bond in sum of Rs.25,000/- with one local surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions:-

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when is required;
- (ii) that 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 him/her from disclosing such facts to the Court or to any police officer;

(iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Goutam Bhaduri)
JUDGE

Santosh