

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 971 of 2015

Satyapoojan Mishra S/o Lt. Shankar Mishra Aged About 48 Years R/o Korla Colliery, Ward-7, Shiv Mandir, Mohalla Dafai, Tahsil - Baikunthpur, District Korla Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Out Post Korla Police Station Chirmiri, Distt. Korla Chhattisgarh

---- Respondent

Shri Manish Sharma, counsel for the applicant/s.
Shri Rajkumar Jaiswal, Panel Lawyer for the State.

Order On Board

07/10/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.249/15 registered at police station – Chirmiri, Distt.-Korla, Chhattisgarh for alleged commission of offence under Section 384 of IPC.

2. Prosecution case is that the applicant threatened and put in fear the complainants in order to extort money.

3. Learned counsel for the applicant submits that one of the essential ingredients of commission of offence of extortion punishable under Section 384 IPC is not present as there is no allegation that any money was actually delivered to the applicant by the complainant. According to him, in such a case, offence under Section 385 alone prima facie can be said to be made out which is bailable in nature.

4. On the other hand, learned State counsel submits that the applicant is a habitual offender and there are number of cases registered against him and later on, externment proceedings were drawn against the applicant.

5. Taking into consideration the submission of learned counsel for the applicant, that there is no ingredient of extortion of money by the applicant which punishable under Section 384 of IPC and offence under Section 385 IPC is only bailable in nature, the application is allowed.

6. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the arresting officer on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

(i) the applicant shall make himself available for interrogation by the police officer as and when required;

(ii) the applicant 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 from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava
Judge