

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 655 of 2015

Aslam Khan S/o Chhote Khan Aged About 17 years (Minor) Through Represented
sis Father Chhote Khan S/o Siraj Khan, Aged 45 Years, R/o Village Mouhdapara,
Raigarh, Tah. And District Raigarh Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

Shri P.K.Patel, counsel for the applicant/s.

Ms. Shubha Shrivastava, Panel Lawyer for the State.

Order On Board

31/07/2015

Heard.

The applicant is apprehending his 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 applicant, in order to extort money,
assaulted the complainant.

3. Learned counsel for the applicant submits that he is being falsely implicated
on exaggerated allegations. The applicant was engaged as labourer 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 applicant
compelled the complainant to give money for consumption of liquor and when it
was not given, he 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 applicant was 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 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.10,000/- 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