

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 441 of 2015

Karamchand Sahu S/o Shri Mahavir Sahu Aged About 24 years Caste- Teli, R/o Village & Police Station Tapkara, District Jashpur, Civil And Revenue District Jashpur, Chhattisgarh

----Applicant

Versus

State Of Chhattisgarh Through: Station House Officer, Police Station Tapkara, District Jashpur, Chhattisgarh

---- Respondent

For Applicant	-	Shri A.K. Shukla, Advocate
For Respondent/State	-	Ms. Sunita Jain, Panel Lawyer

Order On Board

08/07/2015

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.76/2012 registered by Police Station-Tapkara, District-Jashpur (C.G.) for alleged commission of offences under Sections 384, 506(B) of IPC.
2. Case of the prosecution is that the applicant threatened Awadhesh Soni to give Rs.5 lacs else his son would be killed.
3. Learned counsel for the applicant submits that the applicant is being falsely implicated. The son of the complainant, of his own, had gone out in search of employment with the help of the present applicant. The complainant wants to settle his son and because of some dispute relating to employment of his son, a false complaint has been leveled that he was threatened over mobile by the applicant which is not correct. He further submits that the police registered offence against the applicant in the year 2012 and recently when the applicant came to know about registration of such case, he has applied for grant of anticipatory bail. He submits that falsity of the allegation is prima facie clear from the fact that even after almost 3 years, the police has not taken the statement of the son of the complainant, who was under employment outside the place of his resident and away from his father.

4. On the other hand, learned counsel for the State opposes prayer and submits that prima facie, complaints show that the applicant threatened over mobile that if Rs.5 lacs are not given to him, his son would be killed. Even according to the applicant, son of the complainant had gone along with him in search of employment to another place.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the alleged threat is said to have been given over mobile and that till date, no statement of the son of the complainant has been recorded by the police who is stated to be a major, aged 24 years, and that in these circumstances, possibility of false implication cannot be ruled out, the application is allowed.

6. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, the applicant shall be released on bail on 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 and the applicant shall abide by all the following terms and conditions-

- i. that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- ii. that 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.
- iii. that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- iv. that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava

J U D G E

Rekha