

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No.1157 of 2015

Shatruhan Singh Sahu, Son of Shree Ganpatram Sahu, aged about 37 years, profession Advocate, resident of Amaltaspuram, Dhamtari, P.S. and Tahsil Dhamtari, District Dhamtari, Chhattisgarh

--- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Rudri, Revenue and Civil District Dhamtari, Chhattisgarh

--- Respondent

For the applicant	:	Mr. Msahendra Dubey, Advocate.
For the Respondent	:	Mr. Arvind Shukla, Panal Lawyer.
For the objector	:	Mr. Dashrath Kushwaha, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.11.2015

1. Apprehending arrest in connection with Crime No. 106/2015 of registered at Police Station Rudri, Revenue and Civil District Dhamtari, Chhattisgarh for the offences punishable under Sections 384, 388 of IPC, the applicant has filed this application under Section 438 Cr.P.C.
2. As per the prosecution case, a report was made by one Kuleshwar Chandrakar on 09.10.2015 that while they were going in a car, the applicant intercepted the car of the complainant and subsequently demanded an amount of Rs. 25 lakhs on the ground that he holds certain evidence against the complainant as he was indulged in corruption in 'Sakambhari Nal Jal Yozna' of the State wherein the diesel

pump sets are distributed to the farmers on subsidized rates according to the Scheme of the Government. It is further stated that the applicant demanded an amount of Rs. 25 lakhs from the complainant on such ground otherwise he would make public all the corruption so as to cause damage to the reputation of business and send him behind the bars. On such report, the investigation is being started.

3. Learned counsel for the applicant would submit that the applicant is an advocate by profession and on the date he was in the court room. He further submits that the applicant has been falsely implicated in this case since he had filed an application under section 156(3) of CrPC before the Special Court wherein the complainant Kuleshwar and Roshan Kumar Chandrakar were also made as accused and in such application certain Government officers were also made party and it was alleged that the complainant in collusion with Government officers have landed into corruption by not distributing the pump sets to the beneficiaries. He further submits that by order dated 22.08.2015 passed by the Special Judge, Dhamtari, which is placed on record, the said application dated 01.07.2015 was dismissed by the Special Court holding that according to report of the ACB sanction for prosecution is necessary and the applicant was directed to submit the sanction of prosecution. Since sanction was required before prosecuting the accused and in absence of sanction, such petition cannot be entertained and the petition was returned. Therefore on the date as alleged virtually there was no instrument to blackmail or demand for extortion.
4. Per contra, learned State Counsel and learned counsel for the objector opposes the prayer for grant of bail and state

that the applicant indulged himself and demanded amount of Rs. 25 lakhs from the complainant on the ground he has procured some evidence against this applicant, therefore in order to neutralize the same the demand was made, consequently he may not be enlarged on bail.

5. I have gone through the case diary and the documents placed before this court of the order of the Special Judge as also the application filed by the applicant u/s 156(3) wherein the complainant was made as accused/respondent along with other Government officers wherein certain allegations of corrupt practice have been made that substandard pump sets were distributed to the beneficiaries in the village and the value of the same were below Rs. 15000 and though it has been shown that pump sets have been installed, but actually certain pumps were not installed. The order of the Special Judge dated 22.08.2015 is also perused which shows that the complaint filed by the applicant was returned with an observation that necessary prosecution sanction was required and with such observation the said petition was returned to the complainant. Therefore prima facie reading of the documents would show that the applicant wanted to prosecute the complainant and other government officials in corruption case and filed certain petition.
6. considering the allegations made in the application under section 156(3) CrPC copy of which is placed before this court and on perusal of the case diary, I am of the opinion that the applicant is entitled to the benefit of provisions of the section 438 CrPC.
7. Accordingly, the application is allowed and 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 officer

arresting him forthwith on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions stipulated in section 438 CrPC.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

Rao