

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7222 of 2015

Manoj Agrawal, S/o Radheshyam Agrawal, Aged About 37 Years, R/o Budhwari Bazar Road, Sakti, Tahsil & Police Station Sakti, Distt. Janjgir Champa, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Sakti, Distt. Janjgir Champa, Chhattisgarh

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.432/2015, registered at Police Station– Sakti, District Janjgir-Champa (C.G.) for the offence punishable under Sections 384, 388 of Indian Penal Code.
2. As per the prosecution case, in brief, a report was lodged by one Babita Agrawal that the applicant who is an Advocate has extended threat that if she does not pay Rs.5 Lakhs, she will be inculpated in a case under Section 302 of IPC for murder of her mother-in-law.
3. Learned counsel for the applicant would submit that initially the complainant Babita Agrawal assaulted her mother-in-law on 22.09.2015 for which a report was made and a case under Section 294, 506, 323 of IPC was registered against the complainant Babita

Agrawal. Subsequently, her mother-in-law started living with her daughter and she died on 15.10.2015. In the meanwhile, the applicant made a complaint to the police that because of the injury caused on the head of the mother-in-law of the complainant, she succumbed to the injuries and requested the police to make an enquiry with the matter. He further submits that the report to the police was made on 22.08.2015, 06.10.2015 and 19.10.2015, however, when the applicant was called for enquiry on 26.11.2015 on his report, the applicant was arrested. He further submits that there is no question of extortion arises as the report was already made. He submits that considering the nature of allegation, the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the documents filed alongwith the bail application. Prima facie, it appears that the applicant has already made a complaint to the Collector on 31.10.2015 i.e. before the report made by the complainant on 10.11.2015. Taking into the report, which was made to the Collector on 31.10.2015 wherein the allegations have been attributed against the complainant about assault and to cause death of mother-in-law, therefore, considering the facts of this case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one

surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Ashok