

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. NO. 2636 OF 2016

Naresh Jotwani, S/o Kanhaiya Lal Jotwani, aged about 30 years, R/o Chakarbhata, Police Station Chakarbhata, Civil & Revenue District Bilaspur (C.G.)

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station- Civil Lines, District Bilaspur (C.G.)

... Non-applicant

For Applicant	:	Mr. Sunil Otwani, Advocate.
For Non-applicant/State	:	Mr. Gary Mukhopadhyay, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07/06/2016

1. This is the first application filed under Section 439 of CrPC for grant of bail to the Applicant who is in jail since 22.4.2016 in connection with Crime No. 233/2016 registered at Police Station Civil Lines, Bilaspur, District Bilaspur, for the offence punishable under Sections 506, 507, 384, 465, 467, 468, 471, 34 of IPC.
2. Prosecution case in nutshell is that the co-accused person, Raja Wasim, who is a Lab Technician had phoned the complainant, Dr. Kamlesh Kumar Mourya, demanding for an amount of Rs.10 Lakh and thereafter the amount was enhanced from Rs.10 Lakh to Rs.12 Lakh. In the course of investigation it was found that the telephone call made by Raja Wasim, the main accused, was made from the Sim Card issued in the name of one Sanjit Kumar Banjare who was earlier a colleague of Raja Wasim. Further, in the course of investigation it was found that it was Raja Wasim who had got the Sim Card issued from the shop of the present Applicant who has a shop of mobile repairing and Sim cards, and

in the course the police authorities have also implicated the present Applicant in commission of the said offence.

3. Learned counsel for Applicant submits that the it is a case where the present Applicant has not played any role in the commission of the offence so committed by Raja Wasim and that the only act attributed against the Applicant is that of providing a Sim Card in the name of Sanjit Kumar Banjare to Raja Wasim. He further submits that it was Raja Wasim who had brought the photographs and documents in the name of Sanjit Kumar Banjare to the shop of the present Applicant on the basis of which the Sim was issued and that apart from this there was no role whatsoever played by the Applicant in the commission of the offence of extortion from the complainant Dr. Kamlesh Kumar Mourya.

4. Learned Counsel for the State very fairly accepts the fact that except for providing a Sim Card in the name of Sanjit Kumar Banjare to Raja Wasim the present Applicant has not played any role in commission of the said offence.

5. Considering the totality of the facts and circumstances of the case, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
V. Judge