

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1351 of 2015

1. Satyapujan Mishra S/o Shankar Prasad Mishra Aged About 48 Years R/o Korla Colliery, Ward 7, Shiv Mandir, Mohalla Dafai Korla, Tahsil Baikunthpur, Distt. Korla, Chhattisgarh.
2. Ajay Mishra S/o Shankar Prasad Mishra Aged About 27 Years R/o Korla Colliery, Ward 7, Shiv Mandir, Mohalla Dafai Korla, Tahsil Baikunthpur, Distt. Korla, Chhattisgarh. - **Petitioners**

Versus

- State of Chhattisgarh Through Police Station Chirmiri, Distt. Korla, Chhattisgarh. --- **Respondents**

For the applicants : Mr. Arvind Singh, Advocate.

For the Respondent : Mr. Sumit Jhavar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02.02.2016

1. Apprehending arrest in connection with Crime No.416 of 2015 registered at Police Station Chirimiri, District Korla (CG) for the offences punishable under Section 384 of IPC the applicant has filed this application u/s 438 Cr.P.C., for grant of anticipatory bail.
2. As per the prosecution case, applicant no.1 showing him to be an RTI activist through his brother (applicant no.2) demanded money from SECL workers and if the amount is not paid, applicant no.1 threatened that he will bulldoze their houses and he will get them terminated from services, therefore, different reports were being made.
3. Learned counsel for the applicants submits that the applicants who are RTI activists have been falsely implicated in this case. He further submits that essential ingredients of commission of offence of extortion punishable under Section 384 is not present in this case as there is no allegation that

any money was actually delivered to the applicants by the complainant and only general allegations have been levelled and on similar set of allegations made in Crime No.249/2014 the co-ordinate Bench of this court considering the role of this applicant being an RTI activist has enlarged applicant No.1 on anticipatory bail by order dated 07.10.2015 passed in MCRCA No.971 of 2015 and this case also falls in line with the order passed by the co-ordinate Bench, therefore, the applicants may be enlarged on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail and submits that the applicant no.1 is habitual offender and earlier number of cases were registered against him.
5. Taking into consideration the submission of counsel for the applicants that there are no ingredients of extortion of money by the applicants which is punishable u/s 384 IPC and in such case the only offence which is said to be made out u/s 385 IPC is bailable and taking into fact that earlier on similar ground, the Coordinate Bench of this Court has enlarged applicant No.2 on anticipatory bail and taking into background of the applicant No.1 that he is an RTI Activist and he has made several reports against the complainants who are working in SECL that they are availing illegal benefits and taking into totality of the facts and circumstances, I am inclined to enlarge the applicants on anticipatory bail.
6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicants in connection with Crime No.416 of 2015, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like

sum to the satisfaction of the officer arresting them or the concerned Investigating Officer. The applicants shall also abide by the following conditions :-

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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/her from disclosing such facts to the Court or any police officer;
- (iii) that they shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

Rao