

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 410 /2016

Abdul Sheikh Kareem, S/o. Shri Sheikh Akbar Khan, Aged About 45 Years, R/o. Near Aman S.T.D., Road-01, Kasaridih, P.S. Durg, Tahsil & Distt. Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, P.S. Bhilai Nagar, Sector - 06, Distt. Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. Jitendra Shrivastava, Advocate.
For Respondent : Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/06/2016

1. Apprehending arrest in connection with Crime No.217/2016 registered at Police Station- Bhilai Nagar, Durg (C.G.) for the offence punishable under Section 384 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a complaint was made by one Sudhir Khandelwal, Proprietor of Ambe Medical Store, who is running a medical shop at Sector-9, Bhilai, that the applicant being the President of NGO had demanded an amount of Rs.2 Lacs, as otherwise it was stated that the shop would be closed with a complaint. Thereby, the offence is committed.
3. Learned counsel for the applicant would submit that the complainant had made a complaint on 08.01.2016 over an incident of 15.12.2015, whereas on the complaint of the applicant that the complainant was selling sub-standard medicine, after enquiry, the licence was suspended by the Durgs Controlling Department, against which, an appeal was filed and the appeal is still pending

and therefore the complaint so made is not viable and the complainant is trying to blackmail the applicant to take back his report. Therefore, under the facts and circumstances of the case, the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail and would submit that in the earlier occasion also against the complainant, a report in the like nature was filed under the crime No.8/2013 & 12/2013 and the applicant is in the habit of blackmailing different persons, therefore, he may not be given the anticipatory bail.
5. The applicant has filed the order dated 25.11.2014 passed in Criminal Case No.129/2013 which shows that the applicant was acquitted of the charges in the similar nature of complaint, which was referred by the State counsel and further in another complaint, the police after investigation found that no case is made out.
6. Perused the documents, which shows that the licence of the complainant for not adhering to the Licence Rules for sale of drugs were found correct and his licence was suspended for a period of time, for which an appeal has been filed which is pending adjudication. Therefore, the complaint of selling the sub-standard drugs was already made. Taking into the facts and circumstances of the case, I find that it is a fit case to extend the benefit of anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail 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 on furnishing a personal bond to a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating 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/her 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/-
(Goutam Bhaduri)
Judge