

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5421 of 2016

- Anwar Husain S/o Hifazat Ali Aged About 45 Years R/o Village Navapara Kla, P.S. Premnagar, District Surajpur Chhattisgarh ---
Applicant

Versus

- State of Chhattisgarh Through P. S. Premnagar, District Surajpur Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Pragalbha Sharma, Advocate
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.09.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 73 of 2016 registered at P.S. Premnagar, Distt. Surajpur (C.G) for the offence punishable under Section 507 & 386 IPC.
2. As per the prosecution case, a report was made by one Sumit Das that the applicant had demanded Rs.1 lakh from him by sending message on his mobile and threat was extended that if the amount is not paid, his family will be eliminated for which, a Panchayat was also convened, however, he did not attend the Panchayat. Subsequently the report was made.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that even if the prosecution case is taken as it is, it would indicate that no delivery of the property i.e., money has taken place, therefore, at the most, a case would fall u/s 385 IPC which is bailable in nature. He further submits that the charge sheet in this case has been filed and no further

investigation is necessary therefore the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the statement of the complainant.
6. Considering the nature of allegations and the facts and circumstances of the case especially the fact that the charge sheet in this case has been filed and no further investigation is required and looking to the period of detention of the applicant as he is stated to be in jail since 15.07.2016, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE