

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 928 of 2016

- Manoj Singh Thakur S/o Late Baikunthnath Singh Aged About 42 Years R/o M.Q. 15, Shaktinagar, Gevra Project, District Korba, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh. --- **Respondent**

For the applicant : Mr. Goutam Khetrapal, Advocate.
For the State : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02.12.2016

1. Apprehending arrest in connection with Crime No. 416 of 2016 registered at Police Station Sarkanda, Bilaspur, Distt. Bilaspur (C.G) for the offences punishable u/ss 342, 327, 294, 506, 34 of IPC,, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a report was made by one Sameer Kumar Chakravarti who is a contractor that on 29.05.2016 he received a phone call from a person who stated that some boundary wall is to be constructed and he was waiting at the timber depot of Ritu Mishra. When the complainant reached there, he met the applicant and the applicant took him to timber depot where he started abusing the complainant. Thereafter Ritu Mishra also threatened the complainant to kill and demanded a sum of Rs.2,10,000/- and he further threatened that if the complainant wants to be alive, the amount should be

paid. It is alleged that applicant Manoj Singh was also present along-with other boys at the place of incident.

3. Learned counsel for the applicant would submit that the applicant has paid Rs.60,000/- to complainant Sameer Chakravarti to get the land diverted as he was a contractor, however, the land was not diverted for which a report was made to the Police station vide Annexure A-4 wherein the complainant agreed to get the land diverted within a month, failing which, he will return the double amount and the said agreement bears the signature of complainant Sameer Chakravarti, therefore, the applicant has been falsely implicated.
4. Per contra, learned State Counsel opposes the prayer.
5. Perused the report as also the document Annexure A-4 which also bears the seal of police station Sarkanda wherein the complainant appears to have agreed before the Incharge of Police Station to get the land diverted failing which the amount will be returned.
6. Taking into consideration the totality of the facts and circumstances especially the document Annexure A-4, I am inclined to admit the applicant to anticipatory bail.
7. Accordingly, the 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 executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that he shall make himself available for interrogation before the investigating officer

as and when required;

- (ii) that he 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 he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that he 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**

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