

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1361 of 2017

Shahnawaz, S/o. Farukh Ansari, Aged About 24 Years, R/o Near Arab Baba, Maharpara, Manendragarh, District -Korea, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station -Manendragarh, District- Korea, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shakti Raj Sinha, Advocate
For Respondent/State	: Ms. K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/03/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.82/2016, registered at Police Station – Manendragarh, District – Korea (C.G.) for the offence punishable under Section 507, 387, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by complainant, Bhupal Singh that in between 04.03.2016 to 09.03.2016, he received a call on his mobile and an amount of Rs.1,50,000/- was demanded and threat was extended. The allegation against the applicant is that he made a call with the help Varis @ Ali Khan and Ajam Khan. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that the

present applicant has only been inculpated on the statement of the complainant that he identified his voice and except that no other evidence is available on record and SIM card which is alleged to be used is not in the name of the present applicant, therefore, no evidence is exist, therefore, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents and other evidene available on record, which do not connect the fact that call was made by the present applicant or not. Considering the facts and circumstances of the case, charge-sheet in this case has been filed and the applicant is in jail since 18.01.2017, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge