

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1781 of 2017**

Hari Om Sonkar S/o Ramlal Sonkar, Aged 51 Years R/o Ramkund,
Police Station Azad Chowk, Raipur, District- Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through: Police Station- Arjuni, District-
Dhamtari, Chhattisgarh.

---- Respondent

And**MCRC No. 1838 Of 2017**

1. Shiv Chandrakar S/o Ganesh Chandrakar, Aged About 35 Years R/o Narmadapara Station Chowk, Ganj, Raipur, Tahsil & District Raipur, CG.
2. Jageshwar Farikar, S/o Ramu Farikar Aged About 19 Years R/o Ramkund, Raipur, District- Raipur, Chhattisgarh.
3. Narendra Kumar Sonkar, S/o Mohan Lal Sonkar, Aged About 51 Years R/o Ramkund, Raipur, District- Raipur, Chhattisgarh.

---- Applicants

Vs

State Of Chhattisgarh Through: Station House Officer, Police Station
Arjuni, District- Dhamtari, Chhattisgarh

---- Respondent

And**MCRC No. 2043 Of 2017**

Abhishek Parekh S/o Nitin Parekh, Aged About 19 Years R/o Samta
Colony In Front Of Life Birth Hospital, Azad Chowk, Raipur District
Raipur Chhattisgarh

---- Applicant

Vs

State Of Chhattisgarh Through Station House Officer, Police Station
Arjuni, District Dhamtari Chhattisgarh

---- Respondent

And**MCRC No. 2045 Of 2017**

Shubham Agrawal S/o Shri Ashok Agrawal, Aged About 20 Years R/o
Premnagar, Gudhiyari, Near Rani Dresses, Raipur, Police Station
Gudhiyari, Raipur, District Raipur Chhattigarh

---- Applicant

Vs

State Of Chhattisgarh Through Station House Officer, Police Station
Arjuni, District Dhamtari Chhattisgarh

---- Respondent

And

MCRC No. 1889 Of 2017

Harsh Joshi S/o Shri H. B. Joshi, Aged About 32 Years R/o Flat No.
306, Tuli 3, Arthcity, Amleshwar, Post Office & Police Station
Amleshwar, Durg District Durg Chhattisgarh

---- Applicant

Vs

State Of Chhattisgarh Through The Station House Officer Police
Station Arjuni District Dhamtari, Chhattisgarh

---- Respondent

For applicants in MCRC No. 1781/2017 and MCRC No. 1838/2017 -
Mr. Arun Kochar, Adv.

For applicants in MCRC No. 2043/2017 and 2045/2017 -
Mr. Y.C. Sharma, Adv.

For applicant in MCRC No. 1889/2017 -
Mr. Shivendu Pandya and Mr. Manish Sharma, Adv.

For Respondent/State Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board**

27/04/2017

1. Heard finally.
2. Above five MCRCs are being disposed of by this common order as they all arise out of same crime number and same offence.
3. The applicants have preferred these applications for grant of bail as they are arrested on 13-2-2017 in connection with Crime No. 40/2017 registered in PS Arjuni, Distt. Dhamtari (CG) for offence punishable under Sections 384, 419, 420, 507/34, 120-B of the Indian Pena Code and 66D of the Information Technology Act, 2000.
4. Learned counsel for the respective applicants submit that all the applicants are in jail for last 2 and half months. After investigation, police has filed charge sheet against all the applicants which is pending now before the JMFC, Dhamtari and registered as Criminal Case No. 230/2017. In the said trial, the trial Judge framed charge against all the applicants under Section 384, 419, 420, 507/34 and 120B of the IPC and Section 66-D of the Information Technology Act, 2000. Further on 20-4-2017 on a joint application filed by the

complainant Ishwar Kumar, Asstt, Analyst Officer, Water Resources Department, Nagari and the applicants under Section 320 sub-section (2) of the Cr.P.C. for permission to compound the offence, the trial Court on 20-4-2017 on due consideration permitted the parties to compound the matter and compounded the offence under Sections 419 and 420 of the IPC against all the applicants and acquitted them for the offence under Section 419 and 420, IPC and further directed that the trial shall continue against the applicants under remaining offence i.e. Section 384, 507, 120B IPC, Section 66-B of the IT Act. Learned counsel further submit that as per allegation, all the applicants made extortion from the complainant and taken Rs. 3 lacs from him. The said amount was during investigation seized and vide order dated 13-4-2017 was given to the complainant on supurdnama. With this the money extorted from the complainant was given to the complainant on supurdnama. With this the loss of said Rs. 3 lacs is duly compensated. There are element of settlement between the parties. The other remaining offences are not punishable for life or death imprisonment, triable by Magistrate First Class. The applicants have no criminal antecedents. They will not commit any offence in future. They may be granted bail during trial.

5. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicants and submits that remaining sections which are non-compoundable are offence against the State and looking to the act of the applicants, instant MCRCs may be rejected.
6. Perused the material available.
7. On due consideration, as all the applicants entered into compromise for the substantive offences with the complainant, the matter is compounded by the trial Court under Section 419 and 420 of the IPC, the amount extorted was seized and given to the complainant, all the

applicants are in jail for 2 and half months, all the applicants have no criminal antecedents, the trial may take some time, in the considered opinion of this Court, it is a fit case for grant of bail. Consequently, instant MCRCs are allowed. The applicants are directed to be released on bail on each of them furnishing a personal bond in the sum of Rs. 30,000/- with one solvent surety of the like sum to the satisfaction of the JMFC, Dhamtari for their appearance before the said trial Court till disposal of the trial regularly as and when directed by the said Court.

8. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the bench by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this court or the Hon'ble Apex Court intentionally, (ii) the applicants do not cooperate in the trial; (iii) the applicants are found to be involved in any offence of the like nature; (iv) the trial Court finds that the applicants remain absent without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

9. CC as per rules.

10. Copy of the order be placed in the file of MCRC No. 1838/2017, MCRC No. 2043/2017, MCRC No. 2045/2017, MCRC No. 1889/2017.

Sd/-
(Chandra Bhushan Bajpai)
Judge