

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. (A) No. 214 of 2017**

Ramavtar Singh S/o Naan Thakur, aged about 31 years, R/o Village Thaggaon, Police Station & Tehsil Khadgawan, Civil & Revenue District Koriya, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh through Police Station Khadgawan, Civil & Revenue District Koriya, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Adil Minhaj, Advocate
For Respondent/State	:	Shri Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****19/05/2017**

The present application under Section 438 of Cr.P.C. has been filed seeking for grant of anticipatory bail to the applicant apprehending his arrest in connection with Crime No. 37/2017 registered at P.S. Khadgawan, District Koriya (CG) for the offence punishable under Section 420 of IPC.

2. The case, as per the prosecution, against the applicant is that he is said to have extracted huge amount of money from the complainant Anita Tigga who is said to be an accused with her husband in a criminal case for the offence under Sections 363, 366, 376, 342, 34 of IPC and Section 6 of POCSO Act. The allegation against the applicant is that he is said to have extracted total amount of Rs.2,17,500/- from the complainant for the purpose of getting the name of the complainant deleted from the criminal case which is pending against her and also assisting the complainant in getting legal assistance for contesting the case and moving an appropriate application for releasing a vehicle on Supurdnama which is said to be in possession of the police Authorities. Subsequently, the applicant is said to have ditched the complaint and therefore she has filed the complaint.

3. Counsel for the applicant submits that it is totally a false and fabricated case. He submits that the applicant and the complainant were known to each other and there were some disputes between the two on account of which the applicant has been falsely implicated. He submits that subsequently, the differences between the two have been resolved and now, the complainant has filed an affidavit stating that since the dispute has been resolved, she does not want to pursue the case any further.

4. State counsel, however, opposes the bail application on the ground that the applicant has exploited the complainant who otherwise is involved in a criminal case along with her husband and in order to get them assistance of a lawyer and get her name deleted from the criminal case, the applicant has taken huge amount of money from the complainant.

5. On perusal of the record would reflect that there was no occasion for the complainant to have paid the money to the applicant for the alleged work which is said to have been offered by the applicant. In addition, what is relevant to be seen is that the complainant is also an accused in a criminal case for serious offence. Further, it also reflects that the applicant seems to have been prima facie falsely implicated on account of some strained relationship between the applicant and the complainant. Thus, considering the total facts and circumstances of the case, this Court is of the opinion that prima facie, a strong case for grant of anticipatory bail has been made out.

6. In the result, the application u/s 438 Cr.P.C. is allowed. It is directed that in the event of arrest of the present applicant in connection with the aforesaid offence, he 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 Officer arresting him or the Court concerned, as the case may be, with the following terms and conditions:

- (i) that the applicant shall make himself available for interrogation before the concerned 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.

Sd/-
(P. Sam Koshy)
Judge