

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 315 of 2017**

- Manishankar Pandey S/o Ramkhilawan Pandey, Aged About 45 Years R/o Maharana Pratap Nagar Tiphra, Police Station Sirgitti, Bilaspur, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Throgh: Station House Officer, Police Station Sarkanda, District- Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicant:	Mr. Manoj Paranjpe with Mr. A.K. Yadav, Advocates
For State:	Mr. Ashish Shukla, Government Advocate
For Objector :	Mr. Neeraj Choubey, Advocate

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****17.05.2017**

1. Apprehending arrest in connection with Crime 207/2017 registered at Police Station- Sarkanda, District - Bilaspur (C.G.), for offence punishable under Sections 384 and 420 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. The case in brief is that the present applicant is said to have tried to extract money from the Complainant – Basant Sharma who is the Director of the College namely D.L.S. College. The case against the present Applicant has been initiated on the basis of the written complaint which was written by the Complainant on 31.08.2016. In the complaint there is allegation against the present Applicant of having tried to extract money from the Complainant to the tune of

Rs. 10 Lakhs in the garb of an alleged raid which according to him was to be conducted by the team of the Anti Corruption Bureau of the State. It is alleged that in April 2016 the present Applicant is said to have paid Rs. 5 lakhs cash to the present Applicant to manage the Anti Corruption Bureau authorities so as to avoid any raids.

3. Subsequently, on a written report lodged and on the basis of which investigation were conducted the FIR has been lodged on 23.03.2017. The case of the prosecution further is that the present Applicant is said to have manipulated the documents which is the written complaint dated 23.03.2017 by tampering the date showing it to be 20.01.2017 so as to give a picture, that the present Applicant has already made a complaint under Section 156(3) of the Cr.P.C.
4. Learned Counsel for the Applicant submits that the entire case of the prosecution has been initiated at the behest of the Complainant who is an influential person and the same has been filed to implicate the Applicant in the present case. The present Applicant and the Complainant initially were belonging to the same political party but subsequently the present Applicant is said to have left the party and joined a new party. To avenge the change of party the Complainant is said to have lodged the false complaint against the present Applicant.
5. He further submits that no explanation has been given by the Complainant as to why he has not promptly lodged complaint when initially Rs. 5 Lakhs was paid or when the demand was made by the present Applicant. He further submits that the incident of payment of Rs. 5 lakhs took place in April, 2016 for the first time and yet the

same was disclosed before the Police authorities by the written complaint made only on 31.08.2016. For four months the Complainant did not have any grievance or complaint against the present Applicant.

6. Learned Counsel for the Objector points out that the present Applicant had also filed Writ Petition seeking quashment of the entire prosecution case where the present Applicant has not even obtained any interim relief and therefore the present anticipatory bail application should not be entertained.
7. Considering the entire facts and circumstances of the case particularly the conduct of the Complainant in as much as of not immediately filing complaint against the present Applicant when the threat was made by the present Applicant. In addition, the complaint was not lodged immediately as regards payment of Rs. 5 Lakh being made to the Present Applicant, thereafter, taking no action for about 4-5 months, till the written complaint for the first time was made. This Court is of the opinion that the present Applicant is entitled to be granted liberty of bail.
8. Accordingly, the MCRCA is allowed.
9. 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 concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the 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