

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No. 346 of 2017**

Mangesh Vaid Sahu S/o Naresh Vaid Sahu Aged About 38 Years R/o 25 Commercial Bhawan, Nehru Nagar (East) Bhilai, Tahsil & District Durg, Chhattisgarh.

-----Applicant

Versus

State of Chhattisgarh Through District Magistrate, Durg, Represented Through Station House Officer Police Station Supela, District Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Arun Kochar, Advocate.
For Respondent	:	Shri Ashish Shukla, Govt. Advocate.

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

10/05/2017

1. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No.290 of 2017 registered at Police Station Supela, Distt. Durg, for the offence punishable under Sections 294,506,323 and 327 IPC.
2. The allegation against the applicant, as per prosecution, is that the applicant is said to have had some commercial transaction with the complainant and that there was some demand of payment by the applicant from the complainant. It is said that on the date of incident i.e. on 03.04.2017, the present applicant is said to have called the complainant Bhola Singh to his office and there the applicant along with one Narayan is said to have used abusive language and thereafter assaulted the complainant by fist and blows causing injury to the complainant who was subjected to MLC also where injuries have been established in the course of medical examination.
3. Learned counsel appearing for the applicant submits that it is not a case

where the offence under Section 327 IPC is made out. According to him, in the complaint, necessary ingredients for constituting offence under Section 327 IPC is not available, inasmuch as, it cannot be said to be a case of extortion nor it is a case against the unknown person. Rather, it is a case where the complainant and the applicant were known to each other and there was some commercial transaction between them. Therefore, the demand of money which the complainant was to pay to the applicant, cannot be said to a case of extortion.

4. The State counsel opposing the application submits that the nature of allegation levelled against the applicant in the complaint lodged by the complainant establishes the nature of offence. There is a clear accusation against the present applicant by the complainant in respect of active role played by the applicant while assaulting the injured complainant. In addition, the applicant has also got a track record of four criminal cases. Therefore, the bail application deserves to be rejected.
5. Having heard learned counsel appearing for the parties and taking into consideration the total facts and circumstances of the case, more particularly taking note of the fact that there is admission on the part of the applicant that certain money was payable by the complainant to the applicant and further from the reading of case diary it reflects demanding the said money he had called the complainant to his office where the applicant is said to have assaulted the complainant. This prima facie establishes some role to have been played by the applicant. Thus, in the opinion of this court, it is not a fit case to grant anticipatory bail to the applicant. Accordingly, the bail application is rejected.

Sd/-
(P. Sam Koshy)
Judge