

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4640 of 2017**

- Manish Bhounik S/o Shri Sajan Chand Bhounik, aged about 31 years, R/o Dharmjaygarh Colony, Thana & Tahsil-Dharamjaygarh, Civil & Revenue District-Raigarh (C.G.).

---- Applicant

Versus

- State of Chhattisgarh Through : The Station House Officer, Police Station-Dharamjaygarh, Distt.-Raigarh (C.G.).

---- Respondent

For Applicant	: Shri Sunil Sahu, Advocate
For Respondent/State	: Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****16.8.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.172/17 registered in Police Station Dharamjaygarh, Distt.- Raigarh (CG) for the offence punishable under Sections 341, 386 of IPC and Section 4 of the Karja Act, 1867.
3. Learned counsel for the applicant submits that the applicant has been arrested on 22.06.2017, charge sheet has not yet been; filed applicant is remanded by Judicial Magistrate First

Class, Dharamjaygarh. It is submitted that the applicant is the first offender. As per allegation, the applicant made extortion by pulling the complainant and gave threat to kill him and also wrongfully restrained the complainant to recover the loan amount though as per the complainant, he had repaid the entire loan amount of Rs. 20, 000/- along with the interest as settled. He will not commit any offence in future if granted bail. He may be granted bail as the trial may take time for its conclusion.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant though there are several complaints but till date no offence has been registered against the applicant. He further submits that from the applicant, papers of the Motor cycle and one blank paper containing signature of the applicant over the Revenue ticket is also seized which goes to show the facts about extortion. Hence instant M.Cr.C. may be dismissed.
5. Perused the entire material.
6. As the applicant is in custody since one month, 20 days till date, charge sheet has not yet been filed, trial may take sometime for its conclusion, there is no similar or other offences registered against the applicant prior to the incident looking to the entire facts, I am inclined to grant one opportunity to the applicant, so that he shall not commit any similar or other offence in future.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.50,000/- with one surety of Rs. 25,000/- to the satisfaction of Judicial Magistrate First Class, Dharamjaygarh Dist.- Raigarh (C.G.), for his appearance before the said Court as and when directed.
9. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of the above, the Court below may proceed further under the provisions of law, under intimation.
10. In addition, the applicant is directed not to communicate/contact in any of the manner with the complainant, his family members and witness or attempt to ask for any favour in the trial directly or indirectly. If so, the witnesses and the complainant may report the said act to the trial Judge and if the trial Judge finds that in any way the applicant directly or indirectly gave pressure or any attempt for any illegal favour in the trial or otherwise, the bail granted to the applicant shall be cancelled without further reference to the Bench and the concerned trial Court shall take the

applicant in custody including other measures as provided under the law.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE

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