

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4738 of 2017

- Santosh Gupta S/o Kundanlal Gupta, Aged About 35 Years, R/o Village Nawanagar, Police Station Darima, District (Revenue & Civil) Surguja, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Darima, District (Revenue & Civil) Surguja, Chhattisgarh.

---- Non-applicant

And

MCRC No. 4801 of 2017

- Ramdas S/o Mohardas, Aged About 26 Years, R/o Village Navanagar (Khalpara) Police Station - Darima, Tahsil Ambikapur, District Surguja Chhattisgarh.

---- Applicant

- State Of Chhattisgarh S/o Through The Station House Officer, Police Station Darima, Ambikapur, District Surguja Chhattisgarh.

---- Non-applicant

For Applicant – Shri Sumit Jhanwar, Advocate (in MCRC No.4738/2017).
Shri Jitendra Shrivastava, Advocate (in MCRC No. 4801/2017).
For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

01-09-2017

1. As MCRC No. 4738/2017 and MCRC No. 4801/2017 arise out of the same crime number and incident, both are being disposed of by this common order.
2. Heard the matter finally.
3. Learned counsel for the applicants would submit that the applicants held arrested in connection with Crime No.50/2017 on 27-4-2017 by P.S. Darima, Civil District Surguja at Ambikapur, Chhattisgarh for the offence under Section 419, 420, 384, 34 of the IPC. After investigation police had filed the charge sheet, which is pending before the JMFC Ambikapur, C.G. as Criminal Case

No.843/17. Learned counsel for the applicants would further submit that the charge sheet has been filed, trial may take some time. The applicants will not commit any offence in future and as per the allegation surfaced in the charge sheet, both the applicants reached to Village Gajarbhabana in a motorcycle and showing themselves as police people gave threat that the complainants are making illicit liquor and gave extortion and had taken Rs.4,500/- from the complainant Kamala and also take one goat of Rs.2000/- from her neighbour Kendibai. During the investigation the said goat was duly seized and identified and also police seized the entire money extorted. The applicants will not commit any crime in future. Learned counsel for the applicants would also submit that this is not the case that the applicants were in uniform identical to police. They may be granted bail during the trial.

4. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicants and would submit that against applicant Santosh Gupta, Crime No.68/2015 under Section 294, 506, 323 of the IPC has been registered and looking to the facts surfaced in the matter as the applicants extorted and gave threat, both the MCRC may be dismissed.

5. Perused the entire material.

6. Though earlier one matter has been registered against applicant Santosh Gupta, but as that was bailable one, both the applicants are in custody since 4 months and 5 days till date, charge sheet has been filed, trial may take some time and also as the entire money and the goat taken after extortion was seized, after consideration of the entire facts, I am inclined to grant one opportunity to the applicants so that they shall not involve themselves in any offence and shall live peacefully in society. Consequently, the instant MCRC are hereby allowed. The applicants are directed to be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety of the like sum to the satisfaction of the

Judicial Magistrate First Class Ambikapur, C.G. for their appearance before the said Court as and when directed till trial.

7. 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; and (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.

8. It is further directed that the applicants shall appear in person before the IO/SHO/In-charge, as the case may be, of P.S. Darima, District Surguja at Ambikapur, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. sharp till disposal of the said criminal case against them. If the applicants failed to mark their appearance before the concerned police as directed, the police may inform the trial Court for the same and if the trial Court appreciates that the applicants were not present before the concerned police for no any sufficient or cogent reason, the bail granted to the applicants shall stand cancelled by the trial Court without further reference to the Bench.

9. Registrar (Judicial) is directed to send a copy of this order to the concerned trial Judge and also to provide a copy of the order to the non-applicant/State for placing it with the case diary to be returned to the concerned police for compliance and information.

10. Certified copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)
Judge