

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 97 of 2017

1. Omprakash Nag S/o Bholenath Aged About 62 Years R/o Village- Milak, Ward No.5, Asdullapur, Police Station Milak, District Rampur, Uttar Pradesh.
2. E. Sunil Nath @ Ishwari Nath S/o Udal Nath Aged About 60 Years R/o Milak, Railway Station, Opposite Plat No. 2, Asdullapur, Police Station Milak, District Rampur, Uttar Pradesh.
3. Birendra Nath S/o Kashinath Aged About 32 Years R/o Village- Ashoknagar, Post Office, Loha, Police Station Milak, District Rampur, Chhattisgarh.

---- Petitioners

Versus

- State of Chhattisgarh Through Station House Officer, Out Post Jevra Sirsa, Police Station- Pulgaon, District Durg, Chhattisgarh.

---- Respondent

For Applicants : Mrs. Sunita Jain, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23-01-2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 6-10-2016 in connection with Crime No. 482 of 2016 registered at Police Station, Out Post Jevra Sirsa, Pulgaon , District Durg (CG) for the offence punishable under Sections 420, 328, 508 & 120-B of the IPC.
2. As per prosecution case, a report was made by complainant Janardhan that on 6-10-2016 present applicants projecting themselves as Sadhus came to the complainant and extended threat that if they serve him, then he will make progress in business or otherwise he would loose his business and would suffer loss. Consequently, on such pretext, complainant was pressed

to pay Rs.70,600/- to the present applicants and they took away the money and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in his case, the said amount was given to the applicants voluntarily and thereafter the said amount was recovered and same was given to the complainant on Suprudnama. He would further submit that the charge-sheet has been filed, applicants are in jail since 6-10-2016 and no further investigation is required, therefore, they may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statement of the complainant Janardhan.
7. Taking into consideration all the facts and circumstances of the case, nature of allegations leveled against the applicants and further considering the statement of the complainant and also the fact that the charge-sheet has been filed, the applicants are in jail since 6-10-2016 and no further investigation is required, I am inclined to release the applicants on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

