

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 335 of 2018

Vijay Yadav S/o Hareram Yadav, Aged About 32 Years R/o Mudpara, P. S. Uttai, District Durg Chhattisgarh , Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through P. S. Amleshwar District Durg Chhattisgarh , Chhattisgarh

---- Respondent

Shri P.R.Patankar, counsel for the applicant/s.

Shri Dhiraj Wankhede, Govt. Advocate for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/03/2018

Heard.

1. The applicant has been arrested in connection with Crime No.129 of 2017 registered at Police Station- Amleshwar, District- Durg (C.G.) for alleged commission of offence under Sections 420, 384, 342, 365, 120-B and 34 of IPC.
2. Case of the prosecution is that one Bhawani Sahu lodged a complaint with the police that he was kidnapped by Ashwani, Rinku, Govind and Lekhram and kept in wrongful confinement on 02/12/2015 and under the threat, he was compelled to sign the blank papers. Later on, the present applicant used criminal force to transfer Rs.5 lakhs to his account through RTGS.
3. Learned counsel for the applicant would submit that the entire case is false, fabricated. He submits that the complaint is highly improbable and in any case, there is no allegation that the present applicant was also involved in keeping the complainant – Bhawani Sahu in wrongful confinement at Charoda on 02/12/2015 and that he also took part in the alleged criminal act of obtaining signature of Bhawani Sahu on blank papers which were subsequently used for preparation of sale deed. It is submitted that the fact that the complainant executed sale deed in

favour of the 3rd party and obtained huge amount of Rs.12 lakhs and the story that the applicant compelled him to transfer Rs.5 lakhs in his account is extremely improbable and it is only a civil dispute relating to money dispute. It is further submitted that investigation is complete, charge sheet has been filed and the co-accused – Govind who is alleged to have kept Bhawani in wrongful confinement on 02/12/2015 has been granted bail by this Court on 02/01/2018 in MCrC No.7277/2017.

4. On the other hand, learned State counsel submits that the complaint made by Bhawani was enquired into by the police authorities and it is *prima facie* found that not only the complainant was kept under wrongful confinement on 02/12/2015, but later on, the present applicant- Vijay used criminal force on the complainant to transfer Rs.5 lakhs to his account through RTGS. Therefore, *prima facie* case is made out.

5. Taking into consideration the submission made by learned counsel for the parties, particularly the allegation of keeping Bhawani Sahu in wrongful confinement is not made against the present applicant and further taking into consideration that the applicant is not said to be involved at the time when signatures of the complainant are alleged to have been obtained on blank papers during wrongful confinement on 02/12/2015 and the only allegation that Rs.5 lakhs was transferred in the account of the present applicant under threat by him to the complainant, the application is allowed.

6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court, with following further conditions:

- (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (ii) 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.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge

