

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 750 OF 2018

Sourabh Verma, S/o Vijay Verma, aged about 22 years, R/o EWS 663, Vaishali Nagar, Bhilai, Tahsil and District Durg (CG).

... Applicant

Versus

State of Chhattisgarh, through District Magistrate, Durg (CG).

... Respondent

MISC. CRIMINAL CASE NO. 896 OF 2018

Ku. Priya Sharma D/o Jitendra Sharma, aged about 21 years, R/o near Old Bus Stand, Pandariya, District Kabirdham (CG).

... Applicant

Versus

State of Chhattisgarh, through District Magistrate, Durg (CG).

... Respondent

MISC. CRIMINAL CASE NO. 1042 OF 2018

Vivek Choudhary S/o Sushil Kumar Choudhary, aged about 24 years, R/o near Forest barrier, Vinoba Nagar, near Boiedada, Raigarh, Tehsil and District Raigarh (CG).

... Applicant

Versus

State of Chhattisgarh, through District Magistrate, Durg (CG).

... Respondent

For Applicants	:	Smt. Fouzia Mirza and Shri TK Jha, Advocates.
For Respondent-State	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/03/2018

1. There are first bail application seeking for grant of bail to the Applicants who are in jail since 23.11.2017 in connection with Crime No. 259 of 2017 registered at Police Station Nevai, District Durg, for the offence punishable under Sections 384,389,420/34 IPC.
2. As per prosecution case, the applicants along with other accused persons is said to have trapped the complainant Mohd. Khalil on the

assurance of providing him girls for his physical satisfaction. Subsequently, when the said complainant is said to have gone along with the girl to a flat at Balaji Apartment, Risali, Bhilai and when the complainant was inside the room along with the girl, the applicants in MCrC Nos. 750 of 2018, Sourabh Verma and Ku. Priya Sharam, applicant in MCrC No.896 of 2018 is said to have entered into the room and is said to have started black mailing the complainant demanding Rs.3,00,000/- or else the act which has been recorded by the accused would be published in whatsapp and also sent to the family members. So far as the applicant in MCrC No.1042 of 2018- Vivek Choudhary is concerned, his role is only to the extent of being the driver of the vehicle in which the complainant was taken to the flat. Later on, at the instance of one Faizal, the settlement was arrived for Rs.1,50,000/- of which Rs.60,000/- was paid in advance and balance of Rs.90,000/- was to be paid later on. Meanwhile, the complainant is said to have lodged an FIR after three days on 22.11.2017.

3. Learned Counsel for the applicants submits that the applicants for their act have already suffered sufficient punishment as they are in custody since November, 2017 i.e. for about four months and that the offence charged are all offences triable by a Judicial Magistrate First Class, and therefore, the applicants may be released on bail.
4. However, the State counsel opposes the bail application.
5. Without commenting on merits, considering the totality of the facts and circumstances of the case and particularly considering the nature of offence and the period of custody, this Court is of the

opinion that the present is a fit case where the Applicants can be enlarged on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.20,000/- each with one surety of the like sum to the satisfaction of the concerned Trial Court for their appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge