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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1656 of 2018**

Bhuwan Bhuarya, S/o. Jhaduram, Aged About 42 Years, R/o- Karmachari Colony Bhanupratappur, Tahsil -Bhanupratappur, District- North Bastar Kanker, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Police Station -Bhanupratappur, District- North Bastar Kanker, Chhattisgarh.

---- Respondent

AND**M.CR.C. No. 2379 of 2018**

Ravindra Dugga, S/o. Budhram Dugga, Aged About 22 Years, R/o- Village Sulangi, P.S. Kolabeda District- North Bastar Kanker, Present Address Dongaripara, Bhanupratappur P.S. and Tahsil Bhanupratappur, District- North Bastar Kanker, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through - Police Station- Bhanupratappur, District- North Bastar Kanker, Chhattisgarh.

---- Respondent

For Applicants	: Mr. P.K. Tulsyan, Advocate
For State/respondent	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**23/04/2018**

- Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.

2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.218/2017, registered at Police Station – Bhanupratappur, District – North Bastar Kanker (C.G.), for the offence punishable under Section 384 of the Indian Penal Code.
3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. Applicants are in jail since 17.12.2017. The offence is triable by Judicial Magistrate First Class and trial of the case is likely to take sometime for its conclusion. The applicants are local resident of District Kanker and are ready to abide by all the conditions which may be imposed while enlarging them on bail. Therefore, it is prayed that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the applicants were caught red handed on the spot, when they had come to collect the amount of extortion. Hence, he is not entitled for grant of bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the case of the prosecution, a demand of protection money was made from the complainant – Atul Dorlikar, Sub-contractor executing work of contract on the spot. The unknown caller claimed himself to be a member of Koyalibeda Dalam of banned Maoist group and demanded Rs.1.00 crore as protection money. A complaint was made

by the complainant to the police and after that he again received phone call for payment of the protection money. A trap was arranged by the police and the applicants were caught on the spot. Hence this case.

7. Considered on the submissions made and the contents of the case diary. After perusal of the case diary it appears that both the applicants do not have any criminal antecedents and this appears to be allegedly first offence committed by them and the case against them is pending so far, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
9. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each 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/-
(Rajendra Chandra Singh Samant)
Judge