

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1818 of 2018

1. Mukesh Patel S/o Samaru Patel, aged about 25 years,
2. Digambar Patel, S/o Anandram Patel, aged about 36 years,
3. Chhote Lal patel S/o Kalyan Patel, aged about 38 years,

All by Caste- Patel, R/o Village Darramuda, Police Station Bhupdevpur, Tahsil-Kharsiya, District- Raigarh (Chhattisgarh).

---- Applicants

Versus

- State Of Chhattisgarh Through: Station House Officer, Police Station- Mohan Nagar, District- Durg (Chhattisgarh).

---- Respondent

For Applicant	: Ms. Smita Ghai, Advocate.
For Respondent/State	: Mr. Vinod Tekam, Penal Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

03/04/2018

1. Heard.
2. 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 in connection with Crime No. 43/2018 registered at Police Station- Bhupdevpur, District – Raipur (Chhattisgarh) for the offence punishable under Sections 294, 323, 506, 327 & 34 of Indian Penal Code.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case, the applicant had been asking for collection from the complainant to make arrangement for Navdha Ramayan which he has refused and not paid any money to the applicant, on the contrary he has

lodged false FIR in which the date of the incident as shown as 12.02.2018 belatedly on 22.02.2018. Applicant is in jail since 24.02.2018, charge-sheet has not been filed, there is no requirement for further custodial interrogation, hence, it is prayed that applicant be enlarged on regular bail.

4. Learned State counsel opposes the bail application and submits, that the applicants have criminal antecedents having been prosecuted for offence of forgery under the provisions of Indian Penal Code, hence, they are not entitled for grant of regular bail.
5. Heard both the parties and perused the case diary.
6. According to the FIR lodged against the applicants, applicants approached the complainant Shankar Swarnkar asking for a donation of Rs. 31,000/- to arrange for a Navdha Ramayan. When the complainant refused to pay the money, he was abused assaulted and threatened by the applicants. Hence this case.
7. Considering on the entire material present in the case diary, it is alleged in the case diary that applicant demanded protection money, but the FIR discloses the fact that they were asking for donation and there is no criminal antecedent against the applicants regarding the prosecution of offence of similar nature on any earlier occasion. Presently there is no requirement for custodial interrogation to be made, hence I am of this opinion that applicants should be benefited with grant of regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge