

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 891 of 2018

- Sourabh Agrawal S/o Late G. R. Agrawal Aged About 30 Years R/o House No. 304, Sharda Vila, T.V. Tower, Chhote Atarmuda, Raigarh District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Incharge Police Station Chakradharnagar, Raigarh District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Manoj Paranjpe, Advocate.

For Respondent : Mrs. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

05/09/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.121/2018 registered at Police Station-Chakradharnagar, District – Raigarh(C.G.), for the offence punishable under Sections 384/34 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is Auditor of Daily Newspaper “Dainik Aaj Ka Din” in which he had published a news article about the dispute of the complainant and another on 11.5.2017

because of which complainant had a grievance and he waited for 11 months to file written complaint dated 6.4.2018 to the police making false allegation of illegal demands made by the applicant and based on which FIR has been lodged on 26.06.2018. FIR is a concocted one which is evident from the notice served on applicant on 8.12.2017 in which there is no hint of any demand and payment as alleged in the FIR lodged by the complainant. Hence, under these circumstances it is prayed that applicant be granted regular bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the complainant and the witnesses have clearly stated about the demand made by the applicant and that the payment was given to him in their presence. Hence, it is clear case of extortion and therefore no case is made out for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. As per complaint made by complainant Ashok Mehta, this applicant had deliberately published a new item regarding dispute between him and Narendra Juneja. When the complainant contacted the applicant and objected to said publication on the ground that the same is defamatory and requested him not to publish such news item in future. On this, the applicant made a demand of Rs.50,000/-. Subsequent to which a payment of Rs.25,000/- was made to the applicant through Nitin Sinha on 11.5.2017 itself but even thereafter another news article was published by the applicant. Hence, this case.
6. This fact cannot be ignored that the date of publication and the date of giving extortion money is 11.5.2017 whereas the complainant raised his voice for the first time on 21.4.2018 i.e. after passing of more than

11 months which needs explanation. After due consideration and the material present of record, I am of this opinion that applicant should be granted anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge