

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6273 of 2018

- Ashish Paliwal S/o Tikamchand Paliwal Aged About 44 Years R/o- Near Shiv Mandir, Kadambari Nagar, Durg, Tahsil And District- Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, P.S. Durg, District- Durg, Chhattisgarh.

---- Respondent

AND

MCRC No. 6489 of 2018

- Gautam Jain S/o Ratanlal Jain Aged About 37 Years R/o Near Soni Battery, Bramhanpara, Durg, Tahsil And District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Durg, District Durg, Chhattisgarh.

---- Respondent

For Applicant (in MCRC 6273/2018) : Mr. V.C. Ottalwar Advocate along with Mr. Akhtar Hussain, Advocates

For Applicant (in MCRC 6489/2018) : Mr. Tarendra Kumar Jha, Advocate

For Respondent/State : Mr. Anil Pandey, Government Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

27/09/2018

1. Since both the cases arise out of same crime number, therefore, they are being disposed of by this common order.
2. The applicants have preferred these bail applications under Section

439 of the Cr.P.C for grant of regular bail as they are arrested in connection with Crime No. 639/2018 registered at Police Station- City Kotwali, Distt. Durg (C.G.) for the offence punishable under Sections 420, 386 & 34 of the IPC.

3. As per prosecution story, complainant Johan Lal Yadav obtained a shop in the year of 1997 situated in Farishta Complex, Durg and was running a hotel there. In the year 2010 accused Ashish Paliwal (M.Cr.C No. 6273/2018) and other co-accused persons namely Ravi Kewali, Surendra Rathi and Rajesh Paliwal threatened the complainant to vacate his shop, they also got executed an agreement from the complainant and also gave a cheque to him which was dishonored. When the complainant came to know that the accused Ashish Paliwal (M.Cr.C. No. 6273) has been arrested in connection with another case, thereafter he was thinking about to make a report against above mentioned co-accused persons. After knowing this fact allegedly Goutam Jain (M.Cr.C. No. 6489) and co-accused Pappi Pathan threatened the complainant and committed extortion, they were also pressurized the complainant to move an agreement with respect to Farishta Tower. On 12-08-2018, complainant Johan Lal Yadav made a report against above mentioned accused persons. On the basis of said report, offence has been registered and the present applicants Ashish Paliwal (M.Cr.C. No. 6273) and Goutam Jain (M.Cr.C. No. 6489) has been arrested on 13-08-2018.
4. Learned Counsel for the applicants submit that there is nothing on record on the basis of which it can be said that *prima facie* any offence under Section 420 of IPC be made out against the present applicants.

It is further submitted that both the applicants are innocent and have been falsely implicated in the present case, three co-accused persons were absconded. Present applicants are in custody since 13-08-2018, charge-sheet has already been filed and trial will take some time to conclude. Therefore, the applicants may be released on bail.

5. Per contra, learned counsel appearing on behalf of the State opposes the bail applications.
6. I have heard learned counsel for both the parties.
7. Considering the above facts and circumstances of the case, particularly considering the fact that the applicants are in custody since 13/08/2018, applicants have no criminal antecedents, other three co-accused persons were absconded, charge-sheet has been filed and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the applicants on bail.
8. Accordingly, the bail applications are allowed.
9. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 10,000/- with one local solvent surety in the like sum to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge