

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 470 of 2017**

Mukesh Agariya S/o Shri Pujeri Ram, Aged About 19 Years Caste Agariya,
R/o Village Jilga, Post Jilga, Police Station Shyang, District Korba,
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Shyang, District Korba, Chhattisgarh.

---- Respondent

For the Applicant : Shri Nitesh Shrivastava, Advocate.
For the Respondent/State : Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.03.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 5 of 2017, registered at Police Station – Shyang, District – Korba, Chhattisgarh for the offences punishable under Sections 420 and 384 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is direct evidence against this applicant regarding extortion made by him and threat given to the complainant on asking return of the amount given by her. Hence, no case is made out for grant of anticipatory bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the investigation made so far, it is alleged that during the Diwali Festival of the year 2016, this applicant has demanded Rs.1,000/- from complainant – Rukhmat Bai for helping her to get allotment in Indra Awas Yojna. However, since the house could not be allotted to the complainant, she demanded back the money on which, the applicant threatened her with dire consequences.

7. Considering the material present in the case-diary and after overall consideration of the case that is under investigation against this applicant, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of anticipatory bail.

8. 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 executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. He 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 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 him by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)

Judge