

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 472 of 2017**

1. Ranjit Kumar Agariya S/o Shri Sukharu Aged About 28 Years By Caste Agariya, R/o Village Jilga, Post Jilga, Police Station Shyang, District Korba, Chhattisgarh, Chhattisgarh
2. Sukhram Rathiya S/o Late Sukul Singh Rahtiya Aged About 55 Years By Caste Rathiya, R/o Village- Jilga, Police Station Shyang, District- Korba, Chhattisgarh, District : Korba, Chhattisgarh

---- Applicants**Versus**

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

---- Respondent

For the Applicants : 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 applicants who are apprehending arrest in connection with Crime No. 7 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 applicants that the applicants have been falsely implicated in this case. No case is made out against the

applicants on the basis of the material placed before the Court by the prosecution. Hence, it is prayed that the applicants 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 these applicants regarding extortion made by them and threat given to the complainant on asking return of the amount given by him. 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, these applicants have demanded Rs.2,500/- from complainant – Diwali Singh for helping him to get allotment in Indra Awas Yojna. However, since the house could not be allotted to the complainant, he demanded back the money on which, the applicants threatened him with dire consequences.

7. Considering the material present in the case-diary and after overall consideration of the case that is under investigation against these applicants, I am of the considered view that the present is a fit case where the applicants 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 applicants in connection with the

aforesaid offence, they shall be released on bail by the Officer arresting them 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. They shall also abide by the following conditions:

- '(i) that the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicants 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 them from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants 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