

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1243 of 2018**

Pushpendra Sahu S/o Suresh Sahu Aged About 27 Years Occupation Dairy Owner R/o Azad Chowk, Kasaridihi, P. S. Durg Kotwali, Teshil And District Durg Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh Through P. S. Durg Kotwali, District Durg Chhattisgarh.

---- Respondent

AND**M.CR.C.(A). No. 1313 of 2018**

Smt. Reena Sahu W/o Rajesh Sahu Aged About 34 Years R/o New Adarsh Nagar, Durg Tahsil And District- Durg, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh Through : District Magistrate Durg, District Durg Chhattisgarh

---- Respondent

For Applicants	: Mr. T.K. Jha, Advocate and Mr. Maneesh Sharma, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**22/10/2018**

- Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.
- Apprehending arrest in connection with Crime No.33325024180690/2018, registered at Police Station – Durg Kotwali, District – Durg (C.G.) for offence punishable under Section 386, 507, 34 of the Indian Penal Code, the applicants have preferred these applications for grant of anticipatory bail.

3. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. The applicant – Rina Sahu in M.Cr.C.(A) No.1313/2018 had been to Police Station – to object the arrest of her husband, which finds mention in the report submitted by the S.H.O., P.S. - Durg to the Court of C.J.M., Durg. Apart from that, she is not a party to any commission of offence as alleged in this case. On behalf of the applicant Pushpendra Sahu, it is submitted that he has neither threatened any person nor received any money on behalf of the main accused person. Hence, no case is made out against the applicants. Therefore, it is prayed the applicants may be enlarged on anticipatory bail.
4. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that co-accused Rajesh Shau is the history sheeter and both the applicants are associated with him in commission of offence and there may be requirement of their custodial interrogation, hence, they are not entitled for anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. The case against the applicants and the co-accused Rajesh Sahu is this that co-accused was arrested in connection with some other case, because of which, Rajesh Sahu abused and assaulted the complainant Pushpendra Kapoor and Prashant Kalihar and by putting them under threat, they made a demand of Rs.2.00 lakhs from them for the purpose of obtaining bail in the case against Rajesh Sahu. Subsequent to that complainant was under fear and made a payment of Rs.70,000/- to the applicant–Rina Sahu and again

demand was made by Rina Sahu on telephone informing that the Pushpendra Sahu (applicant in M.Cr.C.(A) No.1243/2018) is coming to collect the same. Hence, this case.

7. Considered the submissions made and the contents of the case diary. After considering on the entire material present in the case diary and further taking into account the nature of evidence present against them, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
8. Accordingly, the anticipatory bail applications filed under Section 438 of Cr.P.C. is allowed.
9. 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 each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants 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 him/her 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram