

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1281 of 2018

- Sohan Jain S/o Gyanchand Jain Aged About 28 Years R/o Khandelwal Colony, Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. Manish Upadhyay, Advocate.
For Respondent/State : Mrs. Madhunisha Singh, Panel Lawyer.

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

23/10/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.691/2018 registered at Police Station-City Kotwali, District – Durg(C.G.), for the offence punishable under Sections 386, 34 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. This applicant is not connected with offence which is alleged have been committed in this case. No case is made out against this applicant according to the FIR lodged by the complainant. Hence, it is prayed that applicant be benefited with grant of anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that applicant had been in the company of the main accused Rajesh Sahu when the complainant was threatened for extortion, hence, he is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. Complainant Tulsiram Sahu had lodged FIR alleging, that he had borrowed a sum of Rs.20 lakhs. He was threatened by the main accused Rajesh Sahu for extortion, as a result of which he has made payment of Rs.11-12 lakhs through bank and cash payment. Subsequent to which the main accused along with this applicant and others, by putting the complainant under threat have forced him to sign a compromise deed. Hence, this case.
6. After considering the role of this applicant according to the evidence present in the case diary and also that this applicant does not have any criminal antecedent, 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

Nisha