

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 995 of 2017

Kamaldas S/o Chaituram Tandon, Aged About 28 Years Caste Satnami, R/o Devarmalay P. S. & Tahsil Sakti, District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate Janjgir, District Janjgir Champa Chhattisgarh.

---- Respondent

For Applicant	:	Shri Amit Sharma, Advocate
For State	:	Shri Avinash Singh, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

03/01/2018

Heard.

1. This application under Section 438 of Cr.P.C. has been preferred by the applicant apprehending his arrest in connection with Crime No.49/2017, registered in Police Station -Sakti, District- Janjgir-Champa, for alleged commission of offence under Sections 294, 506, 323, 324, 341, 384 IPC.
2. Case of the prosecution, in brief, is that the applicant put the complainant in fear of injury to extort money and thereby committed offence as alleged above.
3. Learned counsel for the applicant would argue that allegation against the applicant is false. The applicant is working in a brick manufacturing unit and he demanded money as wages of labour done by him, therefore, he was

falsely implicated. It is submitted that the applicant is suffering from epileptic problems and he had demanded money for his treatment.

4. On the other hand, learned counsel for the State, opposing the bail application, submit that the complainant in his statement has clearly stated that the applicant intercepted when he was going back home and gave lathi blows to extort money, therefore, prima facie case is made out.
5. Taking into consideration the submissions made by learned counsel for the parties, taking into consideration that there is no injury reported on any part of body of the complainant though he has stated that he was assaulted by club by the applicant and that no money was taken by the applicant, I am inclined to allow the application.
6. The application is accordingly allowed. 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 arresting officer on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

(i) the applicant shall make himself available for interrogation by the police officer as and when required;

(ii) 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;

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge