

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 7947 OF 2018

Sailesh Tiwari S/o Late Sundar Lal Tiwari Aged About 44 Years R/o Near Shubham Narshing Home Ganjpara Durg, Tahsil And District Durg Chhattisgarh.

... Applicant

Versus

State Of Chhattisgarh Through S.H.O. Police Station Durg District Durg Chhattisgarh.

... Respondent

For Applicant	:	Dr. NK Shukla, Sr. Advocate along with Shri BP Singh, Advocates.
For Respondent-State	:	Shri Chandresh Shrivastava, PL.

Hon'ble Shri Justice P.Sam Koshy

Order on Board

12/11/2018

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 30.07.2018 in connection with Crime No. 531 of 2018 registered at Police Station, Durg, Distt. Durg for the offence punishable under Sections 384, 386, 506, 507/34 IPC.
2. The allegation against the applicant is that the present applicant in connivance with other co-accused persons is said to have been frequently sending messages of threat and also have personally threatened the complainant of dire consequence. The applicant had also threatened him of his life.
3. The applicant submits that he has been falsely implicated in the case and that except for a vague and omnibus statement made by the complainant so far as the present applicant being involved in the act of threatening there is no substantial material available with the prosecution to establish the said offence. The applicant was not

involved in the illegal activities except for the allegations which have been levelled by the complainant.

4. It was further contended that infact it is a case where the property belonging to one Anurag Dubey had been mortgaged with the Graming Bank operating in the area and consideration received for the said property was made available to a criminal who was in jail namely Tapan Sarkar through the present applicant. However, since there was some dispute in respect of repayment of the said amount, the complainant has falsely implicated the present applicant.
5. The State counsel opposing the bail application submits that it is a case where the applicant infact is a part of Gang which is involved in the extortion of money and therefore they should not be released on bail at this juncture or else it would create law and order problem and also threat to the life of the complainant.
6. Having heard the counsel on either side and on perusal of records particularly the statement of complainant Satish Chandrakar wherein he has stated that he met Tapan Sarkar in jail and thereafter had facilitated in getting the amount of Rs.25,00,000/- to Tapan Sarkar by way of the consideration received by Anurag Dubey on his property being mortgaged with the Gramin Bank.
7. Given the nature of complaint and the allegations levelled against the applicant and the relation which the complainant had with Tapan Sarkar, prima facie this court is of the opinion that a strong case is made out for grant of bail.
8. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a

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personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

**Sd/-
(P.Sam Koshy)
Judge**

inder