

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1529 of 2018

- Santosh Banote S/o Shri Jug Ram Banote, Aged About 43 Years, R/o Tumgaon Road, Ward No.09, Mahasamund, Police Station Mahasamund, Tehsil And District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Mahasamund, District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Non-applicant

For Applicant – Shri Anmol Sharma, Advocate.

For Non-applicant/State – Shri N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-12-2018

1. Apprehending arrest in connection with Crime No.572/2018, registered at Police Station – Mahasamund District Mahasamund, Chhattisgarh for offence punishable under Section 294, 341, 384 and 34 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the offence registered under Section 294, 341 of the IPC are bailable and the only offence registered under Section 384 of the IPC is non-bailable. According to the facts of the case no case is made out under Section 384 of the IPC rather it would be offence under Section 385 of the IPC which is bailable offence. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. It is alleged that on the date of incident the applicant stopped truck driven by Tikeshwar Sahu and two other trucks and then after some talks, he made direct demand of Rs.50,000/- as extortion money. When the complainant refused to pay the same, the trucks were handed over to the police party.

Hence, this case.

6. Considering on the facts and circumstances of the case, it appears that after the demand made, no money was paid to the applicant by the complainant or other persons, hence, the question raised that offence under Section 384 of the IPC is not made out in this case is having substance, therefore, after due consideration, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is 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 officer arresting him 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. 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 him by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge