

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 214 of 2019**

Mohit Jatwar S/o Bhagwat Prasad Aged About 30 Years Occupation- News Reporter, Mungeli, R/o Ratiyapara, Tahsil- Lormi, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station- Lormi, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Soumitra Kesharwani, Advocate on behalf of Shri Awadh Tripathi.
For the Respondent/State	:	Smt. Smita Jha, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.05.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 307 of 2018, registered at Police Station – Lormi, District – Mungeli, Chhattisgarh for the offence punishable under Section 384, 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The

FIR lodged against the applicant was misconceived. The complainant has compromised with the applicant and he has given intimation to the police for not taking any action on his complaint. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. The State counsel, however, admits that the complainant has made a statement to the police that he does not want to prosecute this applicant. A counter affidavit has been filed by Kavita Dhurve, Station House Officer, in support of this statement.

5. Heard counsel for both the parties and perused the case diary.

6. It is alleged that this applicant has made a demand of extortion money of Rs.8,000/- from the complainant against which, the complainant had paid Rs.4,000/- to the applicant regarding which, the FIR has been lodged.

7. After considering the entire material present in the case-diary and the counter affidavit statement filed by the State counsel, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of anticipatory bail.

8. 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 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. He 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 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.'

Sd/-

(Rajendra Chandra Singh Samant)

Judge