

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 509 of 2019

1. Nishant Gupta S/o Ramesh Gupta, Aged About 28 Years, Vibhag - Sanyojak, Vidyarthi Parishad, Ambikapur, District Sarguja Chhattisgarh. R/o Deviganj Road, Ambikapur, District Sarguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
2. Upendra Yadav S/o Rajendra Yadav, Aged About 23 Years, R/o Gram Panchayat Mitgai, Ramanujanj, District Balrampur Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through the Station House Officer, Police Station Ambikapur, District Sarguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicants – Shri Jitendra Shrivastava, Advocate.

For Non-applicant/State – Shri Samdarsh Nirankari, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-04-2019

1. Apprehending arrest in connection with Crime No.151/16, registered at Police Station – Ambikapur, District Sarguja, Chhattisgarh for offence punishable under Section 384/34 of the IPC, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against them. The applicants and the complainant had some dispute between them regarding some financial matter. Now the dispute has been settled and a compromise agreement has been executed which has been filed before the police. Therefore, on that basis the I.O. has made a note in the case diary, that looking to the compromise of the parties filing of Khatama is now proposed. Therefore, it is prayed that these applicants may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application. However, he admits that there is an agreement of compromise present in the case diary along with note of the I.O. that Khatama is proposed in this case.

4. Heard learned counsel for the parties and perused the case diary.

5. Complainant Munnalal has alleged in the FIR that these applicants came in the meeting of Managers of Aadim Jati Sewa Sahkari Samiti Namnakala and made demand of Rs.20,000/- from each of them and when the complainant refused he was threatened by the applicants. Hence, this case.

6. Considered on all the material present in the case diary. No money is passed on account of the statement of extortion made by the applicants and further there is compromise between the parties which has accounted for in the case diary. Hence, for these reasons, 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 these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them 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. These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge