

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3301 of 2019

1. Vinod Chaurasiya S/o Shri Shrilal Chaurasiya, Aged About 35 Years, R/o Shriram Lotus Vally, Near AIMS Hospital, Tatibandh, Police Station Amanaka, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through District Magistrate District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

MCRC No. 3313 of 2019

1. Virendra Singh Tomar S/o Late Om Prakash Tomar, Aged About 36 Years, R/o Sai Vila Colony, Bhatagaon, Raipur, Chhattisgarh. 8871610709, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station- City Kotwali, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

MCRC No. 4264 of 2019

1. Kamal Narayan @ Kamal Kurre S/o Late Sant Ram Kurre, Aged About 26 Years, R/o Old Kashi Ram Nagar, Police Station- New Rajendra Nagar, Tahsil And District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- City Kotwali, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

--- Non-applicant

For Applicant –	Shri Amiyakant Tiwari, Advocate (in MCRC No.3301 of 2019), Shri Awadh Tripathi and Shri N. Naha Roy, Advocates (in MCRC No.3313 of 2019), Shri Krishna Kumar Dixit, Advocate (in MCRC No.4264 of 2019).
For Non-applicant/State –	Shri Subhash Yadav, Deputy Govt. Advocate. Shri Devershi Thakur, Advocate for objector (in MCRC No.3313 of 2019)

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-07-2019

1. As these three applications arise out of the same crime number, i.e.,

Crime No.215/2019 registered at P.S. City Kotwali, Raipur, District Raipur, Chhattisgarh, for offence punishable under Section 327, 384, 506B, 34 of the IPC, they are being decided by this common order.

2. Applicant Vinod Chaurasiya (applicant in MCRC 3301 of 2019) has been arrested on 17-04-2019, applicant Virendra Singh Tomar (applicant in MCRC No. 3313 of 2019) has been arrested on 18-04-2019 and applicant Kamal Narayan @ Kamal Kurre (applicant in MCRC No.4264 of 2019) has been arrested on 19-04-2019 in connection with aforesaid crime number and offence, therefore, they have filed these applications under Section 439 of the Cr.P.C. for grant of regular bail.

3. On behalf of applicant Vinod Chaurasiya (applicant in MCRC No.3301 of 2019) is submitted that his name has not mentioned in the FIR and in the statement of the witnesses under Section 161 of the Cr.P.C., his name has appeared only as proprietor of spa. There is no allegation against him of making any extortion from the complainant. Therefore, it is prayed that he may be granted bail.

4. On behalf of applicant Kamal Narayan @ Kamal Kurre (applicant in MCRC No.4264 of 2019) it is submitted that his case is similar to the case of applicant Vinod Chaurasiya. He was not named in the FIR, however, his name has appeared in the statement of the witnesses under Section 161 of the Cr.P.C. Therefore, it is prayed that his application may be allowed.

5. On behalf of applicant Virendra Singh Tomar (applicant in MCRC No. 3313 of 2019) it is submitted that in the written complaint made there is no evidence of commission of offence under Section 327 of the IPC. The wife of this applicant is a licensed money lender and the applicant is her helping hand. There had been a loan transaction between this applicant and the complainant. The allegation made in the complaint that this applicant has made purchase of some jewelery without paying any amount is falsified, regarding which the

applicant had produced receipts which shows more than 80% of payment made. The case against this applicant has been completely investigated and charge sheet has been filed. Therefore, under these circumstances, it is prayed that the applicant may be granted bail.

6. Learned counsel for the State/non-applicant opposes the applications and submits that there is ample evidence against applicant Virendra Singh Tomar and that he has criminal history having a conviction against him. Therefore, he is not entitled for grant of bail. With respect to applicant Vinod Chaurasiya and Kamal Narayan @ Kamal Kurre, it is submitted that these applicants were working as bouncer for applicant Virendra Singh Tomar, therefore, they are equally involved in commission of the offence, therefore, their applications may be rejected.

7. Learned counsel for the objector submits that the allegation made by complainant against applicant Virendra Singh Tomar is very serious in nature. Applicant Virendra Singh Tomar is previous convict for offences under Section 302 of the IPC and there are also other criminal cases registered against him. In fact, applicant Virendra Singh Tomar has started *Rangdari* system. There is history of his earlier absconsion from the custody. The extremity of the allegation of complainant is this, that he had borrowed only Rs.3, 25,000/- and has paid about Rs.20,00,000/-, even then applicant Virendra Singh Tomar is claiming that there are dues of Rs.2,05,00,000/- on the complainant to be paid which is without any basis. Therefore, it is prayed that application of applicant Virendra Singh Tomar may be rejected.

8, In reply learned counsel for applicant Virendra Singh Tomar has submitted that since the complainant does not want to repay the loan, therefore, he has made false allegation.

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

10. The case of the prosecution is this, that complaint Jai Kumar Badlani is proprietor of jewelery shop. He came in contact with one Raj Aryan and Kamal Narayan. Both of them used to take the complainant for hanging out in a spa owned by applicant Vinod Chaurasiya, where they prepared some objectionable video of the complainant and stated blackmailing him. To satisfy the demand of Raj Aryan and Kamal Narayan complainant borrowed Rs.5,00,000/- from Rohit Singh Tomar and Rubi @ Virendra Tomar but he was paid only 3,25,000/- after deducting the interest in advance. Thereafter, he was compelled to make payment of Rs.5,000/- per day, he made this payment for about 100 days, even then no deduction was made from the principal amount and when the complainant asked for account he was forced to sign blank stamp papers and was threatened for the same. Being intimidated the complainant continued to make payment to Rohit Singh and Rubi @ Virendra Singh Tomar and thereafter he was threatened and told that he has to make further payment of Rs.2,05,00,000/-, hence, that is why he was compelled to lodge the FIR.

11. Considered on the entire material present in the case diary. Looking to evidence that is proposed against applicant Vinod Chaurasiya and Kamal Narayan @ Kamal Kurre and for the reason that now the investigation is complete, therefore, I feel inclined to allow their application.

12. Consequently, MCRC No.3301 of 2019 and MCRC No.4264 of 2019 filed by the applicants Vinod Chaurasiya and Kamal Narayan @ Kamal Kurre under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that these applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

13. However, for the reason that allegations made against applicant

Virendra Singh Tomar (applicant in MCRC No.3313 of 2019) has gravity and also for the reason that he has criminal history, therefore, I do not feel inclined to grant bail to him. Accordingly, MCRC No.3313 of 2019 filed by applicant Virendra Singh Tomar under Section 439 of the Cr.P.C. for grant of regular bail is rejected.

14. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge