

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. (A) No. 1589 of 2018**

1. Manharan Kumar, S/o Shyam Lal Sonwani, Aged About 31 Years, R/o Village Chakarda, Police Station Sarsiva, Tahsil Biliagarh, District Balodabazar, Bhatapara, Chhattisgarh.
2. Khagesh Ram Sonwani, S/o Shyam Lal Sonwani, Aged About 39 Years, R/o Village Chakarda, Police Station Sarsiva, Tahsil Biliagarh, District Balodabazar, Bhatapara, Chhattisgarh.

---- Applicants**Versus**

State of Chhattisgarh, Through The Station House Officer, Police Station Sarsiva, Tahsil Bilaigarh, District Balodabazar, Bhatapara, Chhattisgarh.

---- Non-Applicant

For Applicants	: Smt. Supriya Upasane along with Shri Raza Ali, Advocate.
For State/Non-Applicant	: Shri Arvind Dubey, P. L.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****04.01.2019**

1. This is the second bail application filed under Section 438 of the Code of Criminal Procedure, 1973 preferred by the applicants apprehending their arrest in connection with Crime No. 76/2018 registered in Police Station Sarsiva, District Baloda Bazar, Bhatapara (C.G.) for commission of offence punishable under Section 420 read with Section 34 of the Indian Penal Code, 1860 (for short 'IPC'). First bail application of similar nature was dismissed for want of prosecution on 10.10.2018 in M.Cr.C No. 472 of 2018.

2. The case of the prosecution is that the written report was lodged on 17.02.2018 by complainant Uttari Bai and others in which, it has been alleged that applicant No. 1 along with his brother

Khagesh Ram had obtained a sum of Rs. 1,000/- and Rs. 2000/- from her and other villagers in the year 2016 in order to construct the Open Defecation Free (Toilet). However, it was not constructed, therefore, the complainant and other villagers have demanded back their money. Owing to which, the applicants started threatening them for life. Based upon the said report, the offence as mentioned herein above has been registered against the applicants.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in connection with the said crime. According to him, the amount was collected in the year 2016, whereas the written report has been lodged against the applicants on 17.02.2018, which prima facie, shows that they are innocent and have been falsely implicated with regard to the said crime. It is submitted further that prior to lodging of the said crime, a complaint was lodged by Manharan, the applicant No.1 herein, against the husband of the complainant and her relatives and based upon which, Crime No. 46/2018 was registered against them under Section 384 read with Section 34 of the IPC in the same police station. He, therefore, submits that the applicants may be enlarged on anticipatory bail.

4. On the other hand, learned State counsel opposes the said prayer and submits that the written complaint has been lodged not only by the complainant Uttari Bai but as many as 47 villagers also, in which, it has been alleged very specifically against the applicants that they have obtained huge amount from them on the pretext of constructing toilet and when it was not constructed they demanded back their amount. It is submitted further by him that by getting annoyed of such a

demand, the applicants started threatening them to their life and under such circumstances the application for grant of bail is liable to be rejected.

5. I have heard learned counsel for the parties and perused the entire case diary carefully.

6. Having considered the facts and circumstances of the case and that by considering the allegations made in the written complaint as lodged on 17.02.2018 in relation to the amount alleged to have been collected in the year 2016, without commenting on merits of the case, I am inclined to enlarge the applicants on anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on bail by the arresting officer on their furnishing a personal bond in the sum of Rs. 50,000/- each with one local surety in the like sum to the satisfaction of the arresting officer with the following further conditions:

- (i) that the applicants shall make themselves available for interrogation before the Police Officer as and when required;
- (ii) that the applicants 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;

Sd/-
(Sanjay Agrawal)
Judge