

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1630 of 2018**

Badshah Khan S/o Madaar Khan Aged About 26 Years R/o Village
Datkaiyya (Khapri), Parsada Raipur, District Raipur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : District Magistrate, District Durg
Chhattisgarh.

---- Respondent**AND****M.CR.C.(A). No. 1641 of 2018**

Madaar Khan S/o Najeem Khan Aged About 48 Years R/o Village
Datkaiyya (Khapri), Parsada, Raipur District Raipur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : District Magistrate, District Durg
Chhattisgarh.

---- Respondent

For Applicants	: Mr. Mayank Chandrakar, Advocate & Mr. Keshav Dewangan, Advocate
For Respondent/State	: Mr. Aadil Minhaz, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****21/01/2019**

- Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.

2. Apprehending arrest in connection with Crime No.117/2018, registered at Police Station – Dhamdha, District – Durg (C.G.) for offence punishable under Section 420, 384 read with Section 120-B of the Indian Penal Code, the applicants have preferred this applications for grant of anticipatory bail.
3. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material present in the case diary. All the allegations that have been made by the complainant are only oral and there is no written transaction between the applicants and the complainant. The complainant has brought a totally improbable case without support of any evidence. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.
4. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that serious allegations have been made against the applicants in both the cases regarding cheating and extortion, hence, it is prayed that the applicants may not be released on anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. According to the complaint filed by the complainant Bhushan Sahu, the applicants firstly induced the complainant that they have influence in railway department and can get the siblings of the complainant appointed in the job and received Rs.21.00 lakhs from him. Subsequent to that the applicants again gave inducement to the complainant that by practicing sorcery they can get him buried

treasure. Getting induced, the complainant had paid an amount more than Rs.1.00 crore to the applicants and thereafter, the complainant came to know that he has been cheated.

7. Considered the submissions and the contents of the case diary. After considering all the allegations against this applicants, this Court is not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. are rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram