

HIGH COURT OF CHHATTISGARH AT BILASPUR**M.Cr.C. No. 9891 of 2018**

Anurag Dubey Alias Annu S/o Shri Salik Ram Dubey, Aged About 44 Years, R/o Milpara, Ward No. 37, Ganjpara, Police Station - Tahsil - District – Durg, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Durg, District - Durg, Chhattisgarh (Wrongly Mentioned In Impugned Order As Through District Magistrate)

---Respondent

For applicant	:	Mr. Ashish Surana, Advocate.
For State	:	Mr. Rahul Mishra, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****11/01/2019**

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 20.07.2018 in connection with Crime No. 531 of 2018 registered at Police Station, Durg, Distt. Durg for the offence punishable under Sections 384, 386, 506, 507/34 IPC.
2. The allegation against the present applicant is that he in connivance with other co-accused persons is said to have been frequently sending messages of threat and also have personally threatened the complainant of dire consequence. The applicant had also threatened him of his life.
3. Counsel for the applicant submits that the applicant has been falsely implicated in the case and that except for a vague and omnibus statement made by the complainant so far as the present applicant being involved in the act of threatening, there is no substantial material available

with the prosecution to establish the said offence. The applicant was not involved in the illegal activities except for the allegations which have been levelled by the complainant.

4. It is the contention of the counsel for the petitioner that in fact the property of the present applicant was put to mortgage with a Gramin Bank of the area and the consideration which was received was paid to the complainant who in turn is said to have further transferred the said money to another criminal who was in jail namely Tapan Sarkar. Counsel for the applicant submits that it is only when the applicant is said to have sought for refund of the money that was given to the complainant after mortgaging of the property, the complaint has been lodged falsely implicating the applicant. Counsel for the applicant submits that the co-accused in the present crime namely Sailesh Tiwari has already been enlarged on bail by this Court vide order dated 12.11.2018 in MCRC No. 7947 of 2018.

5. State counsel, however, opposing the bail application submits that it is a case where the applicant in fact is a part of a Gang which is involved in extortion of money and therefore he should not be released on bail at this juncture or else it would create law and order problem and also threat to the life of the complainant.

6. Having heard the counsel on either side and on perusal of records, particularly the statement of complainant Satish Chandrakar wherein he has stated that he met Tapan Sarkar in jail and thereafter had facilitated in getting the amount of Rs.25,00,000/- to Tapan Sarkar by way of the consideration received by Anurag Dubey on his property being mortgaged with the Gramin Bank.

7. Given the nature of complaint and the allegations levelled against the applicant and the relation which the complainant had with Tapan Sarkar,

prima facie this court is of the opinion that a strong case is made out for grant of bail.

8. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
JUDGE

Bhola