

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.242 of 2020

1. Kunal Rathi, S/o Rajkumar Rathi, Aged About 24 Years, R/o Avanti Vihar Colony, Raipur, District Raipur, Chhattisgarh
2. Jasvinder Singh Chawla, S/o Shri Mohan Singh Chawla, Aged About 63 Years, R/o Shankar Nagar, Raipur, District Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gudiyari, District Raipur, Chhattisgarh

---- Respondent

For Applicants
For Respondent

Ms. Smita Jha, Advocate
Shri Vikram Sharma, Dy. GA

Proceeding through Video Conferencing

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

24/06/2020

1. The applicants have preferred this bail application under Section 438 of CrPC, as they are apprehending their arrest in connection with Crime No.228/2019, registered at Police Station Gudiyari, District Raipur (C.G.), for the offence punishable under Section 384 read with Section 34 of IPC.
2. The applicants have allegedly demanded Rs.5 Lakhs from the complainant when the Officers of the Revenue Department had gone to carry out demarcation of his land.

3. The bail rejection order itself demonstrates that the complainant has filed a memo before the Sessions Court stating no objection if the bail application is allowed.
4. Learned State counsel submits that offence under Section 384 of IPC is not compoundable. At present, we are not on the point as to whether the offence would be eventually compounded or not. The fact that the complainant intends to compound the matter itself reduces the gravity of the offence and the same becomes one more aspect of the matter worth consideration at the time of exercise of judicial discretion under Section 438 of CrPC.
5. Considering the entire facts situation of the case, this Court is inclined to extend benefit of anticipatory bail to the applicants. Accordingly, the bail application is allowed and it is directed that in the event of arrest of the applicants, they shall be released on anticipatory bail on each of them executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Arresting Officer with the following conditions:-
 - (i) they shall make themselves available for interrogation by a police officer as and when required.
 - (ii) 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 from disclosing such facts to the Court or to any police officer.

Sd/-
Prashant Kumar Mishra
Judge

Nirala