

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.3788 of 2020

- Naveen @ Navindra Dubey, S/o Jainarayan Dubey, Aged About 40 Years, R/o Phase - 1, Rawatpura Colony, Mathpuraina, District Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Telibandha, District Raipur, Chhattisgarh

---- Respondent

MCRC No.5519 of 2020

- Sheikh Javed, S/o Sheikh Abdul Rajjak, Aged About 35 Years, Resident Of Murra Bhatthi Sinha, Near Kirana Store, Gudhiyari, Raipur, Tahsil and District Raipur, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For Applicants	Shri Rajeev Shrivastava and Shri Dashrath Kushwaha, Advocates
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For Respondent	Ms. Fouzia Mirza, Addl. AG
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Proceeding through Video Conferencing

Hon'ble Justice Shri Prashant Kumar Mishra

Order On Board

21/08/2020

1. The applicants have preferred these bail applications under Section 439 of the CrPC, as they have been arrested in connection with Crime No.174/2020, registered at Police Station

Telibandha, District Raipur (C.G.) for the offence punishable under Sections 386, 504 & 505 (2) of IPC.

2. The complainant Amar Parwani is the owner of Honda Showroom at Raipur. The accused Alok Kumar Yadav and Sheikh Shahnaz have purchased Honda Activa two wheeler from the showroom, Thereafter, Sheikh Javed and Alok Yadav have started moving complaints against Amar Parwani for indulging in evasion of tax for selling 2017 make vehicle as 2018 make vehicle and also selling ordinary vehicles as delux vehicles. It is alleged that the accused persons have repeatedly been threatening and trying to extort money from Amar Parwani saying that if he does not pay Rs.10 Lakhs to them, cases will be registered against him and he will be eliminated. Such threat has also been posted on facebook.
3. Shri Rajeev Shrivastava and Shri Dashrath Kushwaha, learned counsel for the applicants, would submit that Amar Parwani has lodged false complaint to save himself from tax evasion proceedings by the Government. Shri Shrivastava would submit that the applicant Naveen Dubey has filed WPCR No.252/2019 seeking direction as to why the Government is not initiating action against Amar Parwani on his complaint. Thus, according to him, Naveen Dubey has taken recourse to the process of law by filing writ petition, therefore, there is absolutely no occasion for him to extend threat to the present complainant. The entire case is cooked up and the applicants have been arrested in a completely false case.
4. Learned State counsel would submit that the applicants were

involved in extending threat to a businessman for extortion of money and the applicant Naveen Dubey is also a habitual offender, therefore, they are not entitled to be released on bail.

5. Having considered the nature of allegations and counter allegations as also for the fact that the offences are triable by the JMFC and the applicant Naveen Dubey is in jail since 28.05.2020 and the applicant Sheikh Javed is in jail since 24.06.2020 and the antecedent against Naveen Dubey is not for his involvement in any heinous crime, this Court is inclined to release the applicants on bail.
6. Accordingly, both the bail applications are allowed and the applicants are directed to be released on bail on each of them executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.

Sd/-
Prashant Kumar Mishra
Judge