

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.4184 of 2020**

1. Md. Tauhid Khan And Anr. S/o Basir Aged About 50 Years R/o Village Khakhtoli, Tahsil Kunkuri, District Jashpur, Chhattisgarh
2. Parvez Alalm S/o Ibadat Ansari Aged About 52 Years R/o Village Siramgachi, Police Station Jobang, District Jashpur, Chhattisgarh

---- Petitioners**Versus**

- The State Of Chhattisgarh Through Police Station Kunkuri, District Jashpur, Chhattisgarh

---- Respondent

For Applicant	:	Shri A. K. Prasad, Advocate
For Respondent/State	:	Shri Ravish Verma, GA

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****28/08/2020**

Heard.

1. The applicants have moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.88/2019 registered at Police Station Kunkuri, District Jashpur for the offence punishable under Section 387/34, 507, 120-B of the IPC. The applicants were arrested on 29-05-2019.
2. Prosecution case is that the present applicants came to the work place of brick manufacturing of the complainant, whereas workers are working, extended them threat to extract money. It is alleged that the applicants were possessed of fire arms.
3. Learned counsel for the applicant submits that the applicants have been falsely implicated in respect of so-called incident of threat and extortion, which was happened on 13-04-2019 and report has been lodged on 28-05-2019 against unknown person, but no test identification parade has taken place. It is submitted that there are no allegations of extracting money and causing injuries.

He would submit that in the present case, the applicant have remained in jail since 29-05-2019, however, trial has not been concluded though many prosecution witnesses have already been examined. He would next submit that the maximum punishment, which could be awarded for the alleged commission of offence is seven years and therefore, in these circumstances, when there is no likelihood of early conclusion of trial, at this stage, the applicants may be granted bail.

4. On the other hand, learned counsel for the State/non-applicant opposes the bail application by submitting that the manner, in which, the applicants reached workplace and threatened workers and thereafter, the act of applicants demanding money from the complainant over mobile phone, clearly shows that the applicants are professional criminals, engaged in extracting money on the basis of their position. It is lastly submitted that fire arms have also been recovered from the possession of the applicants.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the applicants are in jail since 29-05-2019, trial is not likely to be completed early and the fact that the maximum punishment, which could be awarded to the applicants for alleged commission of offence and that there is no allegation of causing injury and further that recovery of fire arms is said to be done in the police station, the present is a fit case for grant of bail to the applicants.

6. Accordingly, the application is allowed. It is ordered that the applicants shall be released on bail on each of them furnishing a personal bond of Rs.25,000/- along with one local surety of the like amount to the satisfaction of the trial Court on the condition that they shall appear before the trial Court regularly on each and every date of hearing, unless exempted. It is also made clear that in future, if similar offence are registered against the applicants, then the State would be at liberty to apply for cancellation of bail.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
Judge