

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.4114 of 2020

1. Parvez Alam S/o Ibadat Ansari Aged About 52 Years R/o Village- Siramgachi, P.S.- Jobang, District- Jashpur, Chhattisgarh
2. Md. Tauhid Khan S/o Basir Aged About 50 Years R/o Village- Khakhtoli, Tehsil- Kunkuri, District- Jashpur, Chhattisgarh ---- **Applicants**

Versus

The State Of Chhattisgarh Through P.S.- Kunkuri, District-Jashpur,
Chhattisgarh ---- **Respondent**

For Applicants	:	Shri A.K. Prasad, Advocate
For Respondent/State	:	Shri Ravish Verma, G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/08/2020

Heard.

1. The applicants have been arrested in connection with Crime No.89 of 2019 registered at Police Station-Kunkuri, District Jashpur (CG) for the alleged commission of offence under Section 387/34, 507, 120(B) of IPC.
2. Case of the prosecution is that the applicants demanded holding out threat, to the complainant on phone on 23/24.05.2019 demanding Rs.20,000/-. During investigation, it was found that these calls were made from cell phone of the applicants.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated and not made any such demand on threat nor committed offences of extortion. The applicants have been involved in several such false cases by the prosecution. Learned counsel for the applicants submits that the investigation has been completed and charge-sheet has also been filed long back and the applicants are in jail for more than 1 year and 3 months and there is no likelihood of early conclusion of trial. Learned counsel for the applicants would also submit that the prosecution witnesses who have been examined, so far has not been supported the prosecution case.

4. On the other hand, learned counsel for the State opposes the prayer and submits that the applicants are found to be habitual offender and indulging in extortion of money from different places and persons and number of criminal cases have been registered against them. He would submit that on the basis of the complaint when the matter was investigated, it was found that from the cell phone of the applicants, calls were made.
5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the nature of allegation, amount involved and that the call is said to have been made over telephone and further that investigation is complete, charge-sheet has been filed and the trial has not been concluded and the applicants have remained in jail since 29.05.2019 and there is no likelihood of early conclusion of trial, at this stage, the application is allowed.
6. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge