

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 957 of 2020

Ashok Rai S/o Ramikbal Rai Aged About 48 Years R/o Ward No. 8, Naya Baradwar, P. S. Baradwar, Tahsil Sakti, District Janjgir Champa Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Baradwar, District Janjgir Champa Chhattisgarh

---- Respondent

For Applicant	: Mr. Shashank Thakur, Advocate.
For Respondent/State	: Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

06/11/2020

1. The matter is heard through video conferencing.
2. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 278/2019, registered at Police Station Baradwar, Distt. Janjgir Champa (C.G.) for the offence punishable under Sections 386 & 34 of the IPC.
3. As per prosecution story, on 19.09.2018, a written complaint has been filed by the complainant against one Mintu Rai and Bholu Patel wherein it has been alleged that Bholu Patel has disappeared for the last 2-3 years after taking complainant's money i.e. Rs. 50 Lakhs and Rs. 20 Lakhs, which he had received from Irrigation Department. Also, Mintu Rai, for the last two months has been demanding Rs. 50 Lakhs through mobile phone calls and has threatened to kill or abduct, if the complainant failed to give money. On 08.09.2018 around 12:30 noon, complainant gave Rs. 12 Lakhs to Mintu Rai and the present applicant in front of Banti Agrawal and Shailesh Modi. Thereafter, Mintu Rai again demanded Rs. 20 Lakhs from the complainant and threatened to kill him or abduct his family members,

if the demand is not made. Subsequently, on 15.07.2019, again a written complaint has been filed by the complainant, on the basis of which offence has been registered.

4. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that incident occurred on 08.09.2018 and report was lodged by complainant on 19.09.2018 and subsequently on 15.07.2019. In both the reports and statement of the complainant recorded under Section 161 of Cr.P.C. no allegations have been made against the applicant that he has demanded money or he threatened the complainant. With regard to the clipping of CCTV, learned Counsel for the applicant submits that since there was a previous dispute between the applicant and the complainant with regard to monitory transaction and the complainant had to pay some money to the applicant, therefore, the applicant went to receive his money. The Counsel lastly submits that co-accused Ashutosh Rai has already granted benefit of anticipatory bail by this Court vide order dated 12.02.2020 passed in MCRCA No. 1881/2019. Hence, it is prayed that the applicant may also be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available with due care.
7. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the written complaints dated 19.09.2018 & 15.07.2019 wherein name of the present applicant is not mentioned and there is nothing on record on the basis of which it can be said that the applicant has demanded money or he has threatened the

complainant, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.

8. Accordingly, the bail application is allowed.
9. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned Trial Court. He shall also abide by all the following terms and conditions :

- * He 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 fact to the Court,
- * He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- * He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge