

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1008 of 2020**

Nehrulal Dewangan S/o Pyarelal Dewangan Aged About 45 Years R/o Village Chandreshekar Edu, P.S. Chhal, Tahsil Dharamjaigarh, District Raigarh Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Chhal, District Raigarh Chhattisgarh.

---- Respondent

WITH**MCRCA No. 1065 of 2020**

1. Smt. Anita Garg W/o Shri Anil Garg Aged About 43 Years R/o Village Kudekela, Police Station Chhal, Tahsil Dharamjaigarh District Raigarh Chhattisgarh.
2. Kanha Garg S/o Shri Anil Garg Aged About 22 Years R/o Village Kudekela, Police Station Chhal, Tahsil Dharamjaigarh District Raigarh Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Chhal, District Raigarh Chhattisgarh.

---- Respondent

For Applicant (In MCRCA No.1008/2020)	: Mr. Prafull N. Bharat, Advocate
For Applicant (In MCRCA No.1065/2020)	: Mr. Avinash K. Mishra, Advocate
For Respondent/State	: Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

16.09.2020

1. The matter is heard through Video Conferencing.
2. Since, both the cases are arising out of same crime number therefore, they are being decided by this common order.
3. The applicants have filed this First Bail Application for grant of

anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with Crime No.116/2020, registered at Police Station: Chhal, District: Raigarh (C.G.) for the offence punishable under Section 384 read with 34 of IPC.

4. After arguing at length, learned counsel for the Applicant (In MCRCA No.1065/2020) submits that he wants to with the instant anticipatory bail application with regard to Applicant No.1 namely Smt. Anita Garg. However, he prays that in the event of filing of bail application u/s 439 of Cr.P.C. on behalf of the Applicant No.1, the Trial Court may be directed to decide the said application in accordance with law, as early as possible, probably, on the same date of its filing.
5. In view of the above submission, the instant anticipatory bail application is dismissed as withdrawn with regard to Applicant No.1 (In MCRCA No.1065/2020) namely Smt. Anita Garg.
6. However, the Trial Court is directed that in the event of surrender of the Applicant No.1 (In MCRCA No.1065/2020) before the Trial Court and filing of bail application on her behalf, the Trial Court shall decide the said application in accordance with law, as early as possible, probably, on the same date of its filing.
7. As per the prosecution story, on 14.04.2020, the Applicants approached the complainant and threatened him that he is not operating the fair price shop properly and he would be defamed by publishing it in the newspaper. The said applicants further demanded a sum of Rs.20,000/- out of which Rs.10,500/- was paid by the complainant. On the basis of said, offence has been registered.
8. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He submits that if the entire case is taken as it is no offence under Section 384 of IPC is made out against the Applicant (In MCRCA No.1008/2020) and Applicant No.2 (In MCRCA No.1065/2020). The main allegations are against the Applicant No.1 (In MCRCA No.1065/2020), therefore, it is prayed that the present Applicants may be granted benefit of anticipatory bail.
9. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.

10. I have heard learned Counsel for the parties.
11. Considering the facts and circumstances of the case and arguments adduced by counsel for the Applicants and after going through the contents of FIR and particularly considering that main allegations are against the Applicant No.01 (In MCRCA No.1065/2020), without further commenting on merits of the case, I am inclined to release the Applicant (In MCRCA No.1008/2020) & Applicant No.2 (In MCRCA No.1065/2020) on bail.
12. Accordingly, the anticipatory bail applications are allowed with regard to the Applicant (In MCRCA No.1008/2020) namely Nehrual Dewangan & Applicant No.2 namely Kanha Garg (In MCRCA No.1065/2020).
13. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-
- I. That the accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicants 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/her from disclosing such facts to the Court or to any police officer;
 - III. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. 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.

Sd/-

(Arvind Singh Chandel)
Judge