

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7416 of 2019**

1. Hazi Nazaf Ali @ Nazzu S/o Late Hasan Ali Aged About 62 Years, R/o Hotel Ashiyana, Baijnathpara, Raipur, Tahsil And District Raipur, Chhattisgarh.
2. Joheb Hasan S/o Hazi Nazaf Ali Aged About 32 Years, R/o Hotel Ashiyana, Baijnathpara, Raipur Tahsil And District Raipur, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Raipur Tehsil And District Raipur, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Anish Tiwari along with Ms. K. Tripti Rao, Adv.
For Respondent/State	:	Mr. Sameer Sharma, Dy. G.A.
For Objector	:	Mr. Avinash K. Mishra, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10/01/2020**

1. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 281/2019 registered at Police Station-Azad Chowk, Raipur, District - Raipur (C.G.) for the offence punishable under Sections 384 of the IPC and 4 of C.G. Protection of Debtors Act.
2. The prosecution story, is that present applicants gave loan amount of 80 lakhs to the complainant which was later on returned by him in installments. But the present applicants kept demanding Rs. 60 lakhs by saying it to be the remaining amount. Subsequently, on 21.08.2019 the applicants went to the complainant's shop where

they threatened him and demanded money and thereby they have committed the offence. Based on this offence has been registered against the present applicants.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that the applicants are in jail since 20.09.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. Learned counsel for the objector opposes the bail application. He submitted that it is not a case of civil nature, there is a serious allegation of torture against the present applicants.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicants and further considering the facts that the offence is triable by Judicial Magistrate First Class and applicant Hazi Nazaf Ali @ Nazzu suffering from heart disease. The applicants are in jail since 20.09.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed, subject to following conditions:
 - That, the applicants shall furnish a specific, undertaking that while on bail, they shall not threat to the complainant or any other family members of the complainant, otherwise bail granted to them shall be liable to be cancelled and shall co-operate the prosecution during trial.
 - That, the accused/applicants shall make himself available for interrogation before the concerned Investigating Officer as and when required and 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 them from

disclosing such facts to the Court or to any police officer.

- That, the accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial.
- That, they shall furnish a personal bond in the sum of Rs. 50,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

**Sd/-
(Rajani Dubey)
Judge**