

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1964 of 2019

- Sheikh Fakhruddin @ Fakhru S/o Sheikh Muhiyayuddin Aged About 42 Years R/o Jailor Chowk, Noorani Chowk, Raja Talab, Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through S.H.O. Police Station Civil Line, Raipur , District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Maneesh Sharma, Advocate
For Respondent/State	: Smt. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

08/01/2020

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 449/2019 registered at Police Station Civil Line, Raipur, District – Raipur, (C.G.) for the offence punishable under Sections 384, 120-B, 201 & 34 of Indian Penal Code.
2. As per the prosecution story, on 29.07.2019, an F.I.R. has been lodged by complainant Pappu Farishta stating that about one year ago, co-accused Firoz Siddiqui has stated that he has in his possession videos and recordings in electronic mode which are connected with political leaders and other influential persons, which he can provide to the complainant so that he can make use of the same to increase popularity of newspaper which was published by the complainant. Complainant agreed and met with Firoz Siddiqui and had some talks with him and others on telephone. It is alleged that co-

accused Firoz Siddiqui stated that he has recorded all the conversation made by the complainant and he will use the same in involving him in a false case and by putting him under threat, Firoz made an extortion of about Rs. 1.90 crore from complainant. On the basis of the said, offence has been registered.

3. 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, *prima facie*, no case is made out against present applicant. Main accused person is Firoz Siddiqui who has already been granted regular bail by this Court vide order dated 06.11.2019 passed in MCRC No. 6677/2019. The only allegation against present applicant is that, he on various occasions had taken total Rs. 35,00,000/- on behalf of main accused Firoz Siddiqui. Being a sub-ordinate of Firoz, applicant has taken the alleged money from complainant. On the same set of allegation, co-accused Rais Siddiqui has also been granted bail vide order dated 15.10.2019 passed in MCRC No. 5784 of 2019. Therefore, it is prayed that applicant may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application and fairly admits the fact that applicant on two occasions had collected total Rs. 35,00,000/- from the complainant on behalf of co-accused Firoz Siddiqui.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties and further considering the facts and circumstances of the case, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the bail application is allowed.

8. 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 :

- (i) 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/her from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) 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