

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 287 of 2021**

- Vinod Kumar Verma, S/o Shri Mehataru Ram Verma, Aged About 50 Years, R/o Near Verma Kirana Stores, Adarsh Nagar, Mova, P.S. Mova, Tehsil And District Raipur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through P.S. Tikrapara, District Raipur Chhattisgarh

---- Respondent

For Applicant	: Shri Atchyut Tiwari, Advocate
For Respondent/State	: Shri Vaibhav Singh, PL

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

05.07.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No.442 of 2020 registered at Police Station Tikrapara, District Raipur Chhattisgarh for commission of offense punishable under Section 384 read with 34 of IPC.
2. Case of the prosecution, in brief, is that, on 05.11.2020, complainant Rajesh Nandukar has lodged a complaint in Police Station- Tikrapara stating therein that he is posted as Range Officer at Dalli Rajhara Range of Balod Forest Division; he received a phone call in the month of February, 2020 on which present applicant on other side has said that he is ASI Vinod Verma, posted at EOW (Economic Offenses Wing), EOW has received a complaint against him and for settling it, he has to pay Rs.10,00,000/- otherwise, he would go to jail. Under fear, on 05.04.2020 complainant went to Raipur, to the place where present applicant/ASI Vinod Verma has called him and handed over Rs.2,00,000/- cash. Thereafter, complainant has paid further sum in

different installments to present applicant under threat of action by EOW Department, totaling to Rs.10,00,000/-. Based on the complaint, instant crime was registered against the present applicant.

3. Anticipatory bail application filed before the Court below was rejected by impugned order.

4. Shri Atchut Tiwari, learned counsel for the applicant submits that present applicant has been falsely implicated in the aforementioned crime with *mala fide* intention. The complainant is having two wives and the 2nd wife is residing in the colony of present applicant. She used to take opinion from the complainant to take action against present applicant, on account of which, complaint has been lodged. He further submits that complainant is a government servant working as Range Officer and as per allegations, he paid Rs.10,00,000/- cash, which itself is a suspicious allegation. He further argued that the date on which complainant visited Raipur was a date on which there was complete nationwide lock down due to Covid-19 pandemic, therefore, the fact that he visited Raipur from Dalli Rajhara cannot be accepted to be correct. He submits that the applicant is also a Government servant and there is no likelihood of his absconding and further if the applicant is arrested, he may suffer adverse consequences towards his employment and prays that the applicant be extended benefit under Section 438 of CrPC.

5. On the other hand, Shri Vaibhav Singh, learned State counsel opposing the submissions of learned counsel for the applicant, submits that, there is specific allegation against present applicant of extortion.

On being asked as to from where the complainant has paid such huge amount of s.10,00,000/- to the applicant, he submits that as per statement recorded under Section 161 of the CrPC of one Puranlal Peshwani, who is working as Material Supplier of building construction gave said amount to the complainant. Hence, he is not entitled for benefit under Section 438 of CrPC.

6. I have heard learned counsel for the parties.

7. Taking into consideration the nature of allegations leveled against the present applicant of demand of money under threat, and payment of huge amount of Rs.10,00,000/- in cash, no document is available showing payment of amount by Puranlal, and further, date on which the complainant visited Raipur in lock down period on 05.04.2020, which is a nationwide lock down, and further entirety of the facts and circumstances of the case, applicant is a Government servant, I am inclined to grant anticipatory bail to the applicant.

8. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question, he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one surety in the like sum to the satisfaction of the Arresting Officer. The applicant shall also abide by the following conditions:

- (a) That the applicant shall make himself available for interrogation before the Investigating Officer as and when required;

(b) That the applicant 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;

(c) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(d) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

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