

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 399 of 2021**

- Dr. Rakesh Mishra S/o Late Kalika Prasad Mishra Aged About 54 Years R/o 68 B Street No. 12, Smriti Nagar, Bhilai, Supela, District Durg, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Supela, Bhilai, District Durg, Chhattisgarh

---- Respondent

For Applicant : Shri Rakesh Kumar Jha, Advocate

For Respondents/State : Shri Sidhdharth Dubey, Dy. GA

For Objector : Shri Manish Upadhyay, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order****27/07/2021**

Heard.

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant apprehending his arrest in connection with Crime No. 111/2020 registered at Police Station Supela, Bhilai, District Durg for the offence punishable under Sections 384, 467, 468, & 471 of the Indian Penal Code.
2. As per the prosecution case, the applicant who projected himself to be the President of International Human Rights Justice Federation showing that it is affiliated to United Nations and International Bar Association, which is not recognized by Government of India and in order to counter certain complaint

demanded money from the objector/complainant Rajeev and threatened that if the money is not paid he would continue to publish the news. It is alleged that the applicant has falsely used the mono which is not affiliated or recognized by any government body but to blackmail the people has misused the emblem. It is the further case of the prosecution that the applicant is showing himself as doctorate but actually has not obtained the same.

3. Learned counsel for the applicant would submit that the Smriti Grih Nirman Sahkari Sanstha Maryadit of which the objector/complainant was a President certain irregularities were highlighted, therefore, in order to counter, false allegations have been attributed and the applicant do not deny the fact that he has used the emblem of International Justice Federation which is an existing body, therefore, the applicant may be given the benefit of anticipatory bail.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail and would submit that the nature of allegation requires investigation as serious allegations have been made that the applicant claims to be the member of a NGO/Institution which is affiliated to the Government whether actually it is affiliated or not is required to be investigated, therefore, the custodial interrogation of the applicant would be required.
5. Learned counsel for the objector vehemently opposes the arguments advanced by learned counsel for the applicant and would submit that on the false pretext the applicant claims himself to be the member and President of Human Rights Justice Federation and claims that it is recognized by the International Bar Association but it is actually not and it is a recognized NGO to said Justice Federation has not been shown, therefore, on the fake identity the amount is

being claimed for.

6. Perused the voluminous documents placed in the case. The stand of the State is that whether the International Human Rights Justice Federation legally exist or not required to be ascertained and on the contrary the complainant stated that the applicant has misused his position to blackmail people in the name of NGO. Therefore, taking into the nature of allegations, the documents and the submission, it appears that this case may required custodial interrogation as the authenticity of certain documents are required to be seized and verified. Under these circumstances, I am not inclined to allow this anticipatory bail application.
7. Accordingly, the anticipatory bail application is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu