

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 441 of 2021**

1. Priyanka Lahre W/o Atul Rathore Aged About 28 Years
 2. Atul Rathore S/o Shri Mahendra Rathore Aged About 35 Years
- Both are R/o Uslapur, Bilaspur Chhattisgarh.
3. Shailendra Lahre S/o Heeraram Lahre Aged About 30 Years R/o Village - Khamhariya, Jarhagaon, District - Mungeli Chhattisgarh.
 4. Smt. Shashi Lahre W/o Heeraram Lahre Aged About 60 Years R/o Village - Khamhariya, Jarhagaon, District - Mungeli Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through - Station House Officer, Police Station - Jarhagaon, District - Mungeli Chhattisgarh.

---- Respondent

For Applicants : Shri Aman Saxena, Advocate

For Respondent/ State : Shri Gagan Tiwari, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****03/09/2021**

1. This is the bail application under Section 438 of the Code of Criminal Procedure has been filed by the applicant apprehending his arrest in connection with Crime No. 14/2021 registered at Police Station Jarhagaon, Mungeli for the offence punishable under Sections 420, 120-B of the IPC.
2. As per the prosecution case, one Piyush Tiwari lodged the report that when marriage was fixed of Priyanka Lahre and Atul Rathore on their assurance

he gave them more than Rs. 3,00,000/- and certain goods were also provided and the furniture was purchased by Priyanka Lahre for which the amount was paid by the complainant. Subsequently when the complainant demanded his money back Priyanka Lahre started black mailing him for which a report was lodged and few of the family members were arrested. Subsequently an agreement was executed that that the entire money would be returned back and on that basis they were bailed out and subsequently after coming out on bail the amount is not being returned therefore the offence is committed.

3. Learned counsel for the applicant would submit that the complainant is a influential person he was in relation with one of the accused Priyanka Lahre, who got married to Atul Rathore and on that account a false report was made and having used his influence, they were arrested and they were forced to execute the agreement that they will return the Rs. 3,40,000/-. The very validity of the agreement is under challenge. He further submits that the co-accused Shailendra lahre, Shashi lahre and Priyanka Lahre have been enlarged on regular bail in MCRC NO. 3138 of 2021 and no further investigation is necessary, therefore the applicant Atul Rathore may be given the benefit of anticipatory bail.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail and read out the statement of Piyush Tiwari.
5. Heard learned counsel for the parties and perused the documents.
6. Having considered the nature of complaint it appears that over a monetary transaction, the report was made and whether the agreement was under coercion or not this may be seen in another litigation. Having regard to the nature of evidence which is available, it appears that no custodial interrogation is required, at this stage as such the charge sheet is filed and taking into the fact that regular bail has been allowed to the co-accused. I

am inclined to allow this anticipatory bail application of the applicant Atul Rathore.

7. Accordingly, the anticipatory bail application in respect of Atul Rathore is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs. 50,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-

- (i) that the applicant shall make himself available for interrogation before the investigation officer if further required;
- (ii) 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;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

Goutam Bhaduri
Judge

Jyoti