

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2402 of 2021**

- Mahesh Yadav S/o Late Pancharam Yadav Aged About 46 Years Caste Yadav R/o Village Barpaali Chowk Police Station - Janjgir District - Janjgir - Champa Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through - Station House Officer, Police Station - Janjgir District - Janjgir - Champa Chhattisgarh

---- Respondent

For Applicant : Shri Arvind Shrivastava, Advocate

For Respondents/State : Shri Ashish Tiwari, GA

For Objector : Shri Ravindra Sharma, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order****20/07/2021**

1. Heard.
2. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 08.01.2021 in connection with Crime No.13/2021 registered at Police Station Janjgir District Janjgir-Champa (CG) for the offence punishable under Sections 294, 506, 384, 387 of Indian Penal Code & Sections 25 & 27 of Arms Act.
3. As per the prosecution case, on 07.01.2021 a report was lodged by Madan Lal Agrawal that the applicant came in front of his shop and shown him a revolver (desi katta), abused and demanded Rs.10 Lakhs or otherwise he would kidnap his grandson and threat was extended that after kidnapping he had to pay Rs.1 Crore otherwise he would kill his grandson. Thereafter the report was made.

4. Learned counsel for the applicant submits that the incident happened at 12:30 pm and after 7 hours the report was made after consultation which would show that the complainant has tried to make out a false case. He would further submit that though there are criminal antecedents against the applicant but in the instant case the applicant has falsely been implicated and the case under Section 387 of IPC would not be made out for the reason that the offence should be continuous one. He would further submit that the report is false for the reason that no one will extend oral threat of kidnapping a person but instead would kidnap and execute the act. He would further submit that the applicant is in jail since 08.01.2021, therefore, the applicant may be released on bail.
5. Per contra, learned State counsel and learned counsel for the objector vehemently oppose the prayer for grant of bail. It is stated that 8 cases are to the credit of the applicant. They would refer to one case of conviction wherein the applicant entered into the Court room and abused the officer for which he was convicted and criminal revision is pending before this Court.
6. After considering the statement of the complainant and Satish, Mahavir etc. and the fact that 8 cases are to the credit of the applicant and the applicant has been convicted in one case also and also taking into that the seizure of the Katta has also been made from the applicant, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu