

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3138 of 2021**

1. Shailendra Lahre S/o Heeraram Lahre, Aged About 30 Years,
 2. Smt. Shashi Lahre W/o Heeraram Lahre, Aged About 60 Years
- Both are R/o Village Khamhariya, Police Station Jarhagaon, District Mungeli Chhattisgarh.
3. Smt. Priyanka Lahre W/o Atul (Wrongly Mentioned As Atul Abhishek) Rathore, Aged About 28 Years, R/o Uslapur, Bilaspur Chhattisgarh.
 4. Abhishek (Wrongly Mentioned As Abhishek Atul) Rathore S/o Shri Mahendra Rathore, Aged About 34 Years, R/o 22 Sant Marg Gandhi Nagar Indore (M.P.) (Wrongly Mentioned As Present Address Village Khamhariya, Police Station Jarhagaon, District Mungeli Chhattisgarh.

----Applicants**Versus**

1. State Of Chhattisgarh, Through Station House Officer, Police Station Jarhagaon, District Mungeli (C.G.).

---- Non-Applicant

For Applicants	:	Mr. Dharmesh Shrivastava, Advocate.
For Non-Applicant/State	:	Mr. Adil Minhaj, Govt. Advocate.
For Objector	:	Mr. Raza Ali, Advocate.

MCRC No. 2711 of 2021

1. Anuj Gupta S/o Late Shri Ram Nivas Gupta, Aged About 38 Years, R/o Chandni Chowk, Mayapur, Ambikapur, Tehsil And District Ambikapur, District Surguja, Chhattisgarh.

----Applicant**Versus**

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

---- Non-Applicant

For Applicant	:	Mr. Ranbir Singh Marhas, Advocate.
For Non-Applicant/State	:	Mr. Adil Minhaj, Govt. Advocate.
For Objector	:	Mr. Raza Ali, Advocate.

Hon'ble Justice Shri Gautam Chourdiya
Order On Board

14/06/2021

- 1) The matter is heard through Video Conferencing.
- 2) Since both the applications arise out of the same crime number, they are being disposed of by this common order.
- 3) Applicants have filed these First Bail Application under Section 439 of Code of Criminal Procedure, 1973 for grant of bail as applicants are in jail since 14/04/2021 & 13/03/2021 respectively in connection with Crime No. 14/2021, registered at Police Station Jarhagaon, District Mungeli (C.G.) for the offence under Sections 420, 120-B, 212, 34 & 468 of Indian Penal Code.
- 4) Case of the prosecution, in brief, is that on 23.12.2020 complainant Piyush Tiwari made a written complaint that he came in contact with applicant Priyanka Lahre in January, 2018. At that time, said Priyanka Lahre was having affair with Atul Rathore and they were going to perform marriage. On being requested by applicant Priyanka Lahre to give Rs. 3 lacs to meet the marriage expenses, the complainant gave the same to Atul Rathore in Jaunary, 2019. The complainant with Priyanka Lahre also purchased furniture worth Rs.40,000/- for marriage, which was paid by him in cash. However, subsequently when the complainant demanded his money back, applicant Priyanka Lahre started blackmailing him, against which he lodged a report at Police Station-Tikrapara, Raipur. However, later on Priyanka Lahre and Atul executed an agreement with the complainant for returning back the entire amount to him. But thereafter, the applicants herein after hatching criminal conspiracy started threatening the complainant of implicating him in a false case and did not return the amount. Hence, on report being lodged to the above effect, the aforesaid offences have been registered against the applicants.
- 5) Learned counsel for the applicants in all the applications submit

that the applicants are innocent persons and have been falsely implicated in this case. It is submitted that applicant Priyanka Lahre lodged a report on 03/01/2020 against the complainant Piyush Tiwari for the offence under Section 376, 384 & 420 of IPC. Applicant Shailendra Lahre and Shashi Lahre had challenged the FIR lodged by the complainant by filing WPCR No. 55/2021 before this Court which is pending consideration. The applicants are in jail since 14/04/2021 and 13/03/2021, charge sheet has been filed and due to Covid-19 Pandemic conclusion of trial is likely to take some time for its disposal. Therefore, the applicants deserve to be released on bail.

- 6) On the other hand, learned counsel for the respondent/State as well Objector opposes the bail applications.
- 7) Heard learned counsel for the parties.
- 8) Considering the facts and circumstances of the case, the nature of allegation against the applicants, the fact that FIR has also been registered against the complainant at the instance of applicant Priyanka Lahre, the detention period of the applicants, charge sheet has been filed and there is no apprehension of the applicants tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time due to COVID-19 Pandemic, the applications are **allowed**. It is directed that in the event of **each** of the applicants executing a personal **bond** for a sum of **Rs. 50,000/-** with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail on the following conditions:-
 - i. they 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 from disclosing such fact to the Court,
 - ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial,

- iii. they shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,
- iv. they shall not involve themselves in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant