

NAFR

**HIGH COURT of CHHATTISGARH, BILASPUR****MCRCA No. 792 of 2021**

- Rajatwadhvani, aged 26 years, S/o Ajeet Wadhvani, Resident of 591/1, Rajat coaching, near Radha Krishna Mandir, Samta Colony, Raipur, Chhattisgarh

**-----Applicant****VERSUS**

- State of Chhattisgarh through: Police Station Mana Camp, District Raipur, Chhattisgarh

**-----Non-applicant**


---

|                          |                                    |
|--------------------------|------------------------------------|
| For Applicant            | : Mr. Sharad Prakash Yadav, Adv.   |
| For Non-applicant- State | : Mr. Sunil Otwani, Addl. Adv.Gen. |

---

*(proceedings through video conferencing)***Hon'ble Shri Parth Prateem Sahu, Judge****ORDER****16/08/2021**

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 45/2021 registered at Police Station Mana Camp, District- Raipur (C.G.) for the offence punishable under Sections 294, 384, 419, 420, 468, 471, 201, 120B, 474, 34 of IPC.
2. As per the case of prosecution, on 06.02.2021 complainant was celebrating anniversary of his restaurant. Guest were invited with permission of Collector of maximum 180 guests. When the function and celebration was going on, 2-3 persons entered into the premises stating themselves to be the press reporters from India Today and National Update. They have threatened the complainant and his staff members and tried to extort money from him. They have also abused in filthy language. On account of the act of the persons projecting themselves to be press reporters, the business of restaurant of the complainant also got affected. Based on the written report dated 20.03.2021, instant F.I.R. was initially registered against three persons namely Sunil Namdev, Sazid Hasmi and Sahbaaz Ali. Present applicant has been arrayed as accused person based on the

memorandum statement of Sahbaaz Ali.

3. Mr. Sharad Prakash Yadav, learned counsel for the applicant would submit that the incident said to be of 06.02.2021, written report was lodged by the complainant on 20.03.2021 with inordinate delay. He further pointed out that in the written complaint, the allegations are against 2-3 persons and the police has already registered crime against three named persons ie. Sunil Namdev, Sazid Hasmi and Sahbaaz Ali and there is no mention of any fourth person in the complaint nor there is any mention in the statement recorded under Section 161 of CrPC by the police, hence, applicant may be enlarged on bail.
4. On the other hand, Mr. Sunil Otwani, learned State counsel opposes the submissions made by learned counsel for the applicant and submits that present applicant along with others have committed offence by projecting themselves to be press reporter and one Sunil Namdev to be reporter from India Today. The police, during the course of investigation, have verified the fact of Sunil Namdev to be press reporter of India Today, upon which, the investigation agency received information that they have not deputed Sunil Namdev to be press reporter of India Today. He further pointed out that by wrongly projecting themselves to be press reporter of India Today and National Update, applicant and other co-accused persons were extorting money from the complainant and also committed offence of abusing the complainant and other staff members of restaurant in filthy language. He submits that though specific name of applicant has not mentioned in the instant report but his name has come in the memorandum statement of co-accused Sahbaaz Ali, hence, applicant is not entitled for benefit of Section 438 of CrPC. He read-over the statement of complainant recorded under Section 164 of CrPC in support of his contention. Upon query, he submits that in the Statement under Section 164 CrPC, name of three persons is mentioned.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration, the nature of allegation, the undisputed fact that the complainant in the written report has mentioned that 2-3 persons entered into the premises of restaurant and the statement recorded under Section 164 of CrPC, specifically stated that three

persons entered into the premises and also named them as Sunil Namdev to be press reporter from India Today; Sazid Hasmi & Sahbaaz Ali to be press reporters National Update, without commenting anything on merits of the case, I am inclined to allow the bail application.

7. Accordingly, application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question (45/2021), 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/- with one surety in the like sum to the satisfaction of the concerned arresting Officer. Applicant shall also abide by the following conditions:
  - (i) that the applicant shall make himself available for interrogation before the Investigation Officer as and when 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 him by the said Court till disposal of the trial.

Sd/-  
**(Parth Prateem Sahu)**  
 Judge