

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 846 of 2021**

- Sanyasi Netam @ Radhe Netam S/o Dwarika Netam Aged About 40 Years R/o House No. 413, Bharat Nagar, Ward No. 20, Kugda, Kumhari, Durg, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through- The Station House Officer, Police Station Gunderdehi, District- Balod, Chhattisgarh

---- Respondent

For Applicant	: Shri SP Sahu, Advocate
For Respondent/State	: Shri BP Banjare, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

02.08.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No. 08 of 2021 registered at Police Station Gunderdehi, District Balod, Chhattisgarh for commission of offenses punishable under Sections 384, 420 and 34 of IPC.
2. Case of the prosecution, in brief, is that, a written complaint was lodged by Khetram Sahu, mentioning therein that he came to know that some persons have installed a tent and selling Ayurvedic products. He also came to know that they also provide Ayurvedic medicine for conceiving pregnancy. Upon coming to know this, they went to the place where accused persons installed their tent for the purpose of medicine to get a child to his elder brother-in-law and *Bhabhi* Santoshi Bai. Present applicant gave a mobile call to complainant upon which complainant along with his father Haldar Prasad were called at

village Mundera. In the tent at Mundera, complainant and his father met with Raj Kumar and his wife Bhagwati (co-accused persons). They asked for Rs.40,000/- for the purpose of arranging worship and have also threatened them that if they would not provide said amount, their family will be adversely affected. On 16.01.2021, complainant along with his father went to village Mundera and handed over Rs.40,000/- cash to co-accused Bhagwati. After sometime, they realized that they were cheated by Raj Kumar, Bhagwati and present applicant. Based on their written complaint, instant crime was registered against present applicant and two other co-accused persons.

3. Applicant, apprehending his arrest, filed this anticipatory bail application after rejection of his application by the Court below.

4. Shri SP Sahu, learned counsel for the applicant would submit that applicant has not made any illegal demand. Earlier, complainant has met with co-accused persons. As per allegation, applicant on his mobile phone called father of complainant, asking them to reach village Mundera. Complainant handed over amount of Rs.40,000/- to co-accused Bhagwati. Applicant has no role in any manner, either in interacting with complainant asking for any money for worship or in accepting money. Co-accused persons were enlarged on regular bail by the Court below. Hence, applicant may be enlarged on anticipatory bail under Section 438 of CrPC.

5. On the other hand, Shri BP Banjare, learned counsel for the State opposing the submissions of learned counsel for the applicant, read over

the complaint lodged by Khetram, in support of his contention. He submits that there is specific allegation against applicant giving mobile call and while demanding money, they also threatened complainant family. Upon asking with regard to any other evidence to show payment of Rs.40,000/- to present applicant, he submits that, according to Case diary, there is no specific allegation regarding any amount paid to applicant.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against the applicant, fact that initially complainant himself and his father approached co-accused persons, they handed over amount of Rs.40,000/- to co-accused Bhagwati, it is the co-accused persons who have stated of conducting some 'Puja' and have also stated with regard to adverse consequences, if 'Puja' not performed, statement of Haldar co-accused persons have already been enlarged on regular bail by the Court below, without commenting anything on merits of case, I am inclined to grant anticipatory bail to the applicant.

8. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question, 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/- (Rupees twenty-five thousand) with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions:

- a) That the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
- b) 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;
- c) That the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- d) 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.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma