

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1132 of 2020

Pukhraj Singh Miri S/o- Jhumuklal Miri Aged About 25 Years R/o- Village Palchuwa, Tahsil- Mungeli, District- Mungeli, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station- City Kotwali Mungeli, District- Mungeli, Chhattisgarh

---- Respondent

For Applicant	:	Smt. Prabha Sharma, Advocate
For State	:	Shri Mateen Siddiqui, Dy. A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/02/2021

Heard.

1. The applicant has filed this application for grant of anticipatory bail under Section 438 Cr.P.C. as he is apprehending his arrest in connection with Crime No. 385/2020, registered at Police Station -City Kotwali, Mungeli, District- Mungeli (C.G.) for the offence punishable under Sections 384, 34 IPC.
2. Case of the prosecution, in brief, is that the applicant, along with other co-accused, went to Tahsildar and demanded money by way of extortion that if money is not given to them, they will get false news published regarding involvement of Tahsildar in illegal mining.
3. Learned counsel for the applicant submits that the applicant is being falsely implicated because certain voices were raised against the Tahsildar that Tahsildar was giving shelter to illegal mining in the area and when the news was circulated, the Tahsildar apprehended and lodged report against the applicant in the false case. He would submit that it is highly improbable that

the applicant, a young boy, would go to the Tahsildar and threaten him to pay money by way of extortion. Learned counsel for the applicant further submits that similarly situated co-accused Sandeep Patre has been granted anticipatory bail by this Court vide order dated 27.11.2020 passed in MCRCA No.1010 of 2020, therefore, the applicant may also be released on bail.

4. On the other hand, learned State counsel submits that the report of Tahsildar itself shows that the applicant and other co-accused demanded money by way of extortion that if money is not given, fake news against him may be published in the news paper regarding illegal mining.
5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration the submission of learned counsel for the applicant that the allegation itself appears to be highly improbable that the applicant, a student, would seek money by way of extortion from Tahsildar that if he doesn't give money, a fake news may be published in the news paper that the authorities are giving shelter to illegal mining and that in the report, how much money was demanded, is not mentioned and further taking into consideration that similarly situated co-accused person of the case has been granted anticipatory bail by this Court, present is a fit case for grant of anticipatory bail to the applicant.
6. Accordingly, this application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the arresting officer and he shall abide by all the following terms and conditions: -

(i) the applicant shall make himself available for interrogation by the police officer as and when required;

(ii) 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 from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge