

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 987 of 2021**

- Sandeep Kumar Sahu aged about 25 years S/o Shri Devanand Sahu, R/o Kunwar Singh Road, Mangor, Dimna Road, Jamshedpur, Jharkhand.

-----Applicant**VERSUS**

- State of Chhattisgarh through: SHO police station D.D. Nagar, District Raipur, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Ravindra Sharma, Advocate.
For Non-applicant- State	: Mr. Sameer Oraon, Govt. Adv.

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER ON BOARD****06/09/2021**

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.206/2020 registered at Police Station Dindayal Nagar, District- Raipur (C.G.) for the offence punishable under Section 384 & 507 of IPC.
2. As per the case of prosecution, complainant was residing at Mangor Jamshedpur in 2016, thereafter, she came to Raipur along with her family members and is now residing at Dindayal Nagar, Raipur. Applicant was also studying in same school at Jamshedpur with complainant and therefore complainant is known to applicant. In the year 2016, applicant called complainant at particular place and clicked some obscene photos of her and thereafter started threatening her of flashing those obscene photos on social media if she would not transfer money to him. He also threatened her to kill

her and family members. Threatening her, on mobile phone, for payment of money was by applicant during her stay at Raipur. Complainant, in fear, transferred amount on several occasions in his bank account in denomination of Rs. 3,000/- to Rs. 4,000/- and thereafter she lodged report on 1.7.2020, based upon which, crime was registered against applicant.

3. Mr. Ravindra Sharma, learned counsel for the applicant would submit that allegations are absolutely false and baseless. At earlier point of time, prior to year 2016, applicant and complainant were studying in the same school and they are known to each other very well. There is no material available to connect applicant in the instant crime, hence applicant may be enlarged on anticipatory bail.
4. On the other hand, Mr. Sameer Oraon, learned State counsel opposes the submissions made by learned counsel for the applicant and submits that applicant is harassing and threatening complainant and demanding money from her since 2016. He submits that as per allegation applicant is threatening her and demanding money on the pretext that he would upload her obscene photographs clicked by him on social media as also kill her family members and looking to the seriousness of crime, he is not entitled for grant of bail. However, upon putting specific question to learned State counsel with regard to any material collected by the police during the course of investigation, learned counsel submits that police has collected call details but it does not reflect that applicant given call to complainant from mobile number which is mentioned in the impugned order. On further asking learned counsel submits that in the case diary there is material showing deposit or transfer of money.

5. I have heard learned counsel for the respective parties.
6. Taking into consideration, the nature of allegations, and the fact that complaint was lodged on 1.7.2020 and by now more than 1 year has been lapsed, police has not collected call detail of applicant showing that applicant has called the complainant and further the complainant has deposited any amount in the account of applicant as alleged in the complaint, 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 (206/2020), 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