

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.1412 of 2020

Parasram Sinha S/o Govindram Sinha, Aged About 49 Years R/o Village Rakshi, Police Station Chhura, District Gariyaband CG ---- **Applicant**

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Chhura, District Gariyaband Chhattisgarh --- **Respondent**

For Applicant	:	Mr. Raghvendra Pradhan, Advocate
For Respondent/State	:	Mrs. Fouzia Mirza, Additional A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

07/01/2021

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.120/2020 registered at police station – Chhura, District Gariyaband CG for alleged commission of offence under Section 384 of IPC.

2. Case of the prosecution is that the applicant, who is journalist had been extorting money from Sarpanch, Up-Sarpanch and Secretary of Gram Panchayat Mudipani, District Gariyaband.

3. Learned counsel for the applicant would argue that the applicant, who is a journalist, has been continuously making application in the Panchayat for disclosure of various informations regarding public works, under Right to Information. He would further submit that in the past, the applicant also got news published in the newspaper Nai Duniya, Bhatapara, Kasdol that the Panchayat authorities are involved in corruption in execution of public works. He would submit that when the applicant was found unpalatable and that the applicant was not only repeatedly applying disclosure of information but upon rejection of those applications, he was approaching higher authority and getting certain orders for disclosure of information, finally he has been falsely implicated on afterthought, which is highly improbable.

4. On the other hand, learned counsel for the State opposes the prayer and submits that though this proof that the applicant is a journalist and had

been applying for disclosure of information under RTI since long and also got certain news published, at the same time, Sarpanch, Up-Sarpanch and Secretary all have stated in the case diary statement that the applicant has been extorting money of about Rs.20,000/- and has already been collected by him by such extortion since 2018 therefore, on the face of it, it cannot be said that the applicant has been falsely implicated.

5. On prima facie consideration, this Court finds that the status of the applicant as journalist is not in dispute. Moreover, the applicant has placed on record the news paper cutting which show that the applicant got news published in the news paper regarding corruption and financial irregularities in performance of public function by the Panchayat authorities. Further more, various documents have been placed on record by the applicant which also indicated that the applicant has been continuously applying to the Panchayat authority for disclosure of various information with regard to public works and financial dealings since long. The documents also indicates that many applications were rejected also against which appeals were preferred to the higher authority by the applicant. In this background, possibility of false implication of the applicant by the Panchayat authorities cannot be ruled out. Therefore, in such circumstances, in the considered opinion of this Court, present is a fit case for grant of anticipatory bail, accordingly, the application is allowed.

6. 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 one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that he 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.
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he 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/-
(Manindra Mohan Shrivastava)

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