

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1542 of 2020**

- Mukesh Kumar Sahu, S/o Agatram Sahu, aged about 24 years, R/o village Parsada Bade, Tehsil Sarangarh, District Raigarh (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh - Through : Incharge, Chowki Kanakbira, Police Station Sarangarh, District Raigarh (C.G.)

---- Respondent

For Applicant : Mr. Vivek Mishra, Advocate.
For Respondent. : Ms. Ishwari Gritlahre, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****24/03/2021**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No.649/2020 registered at Police Station - Chowki Kanakbira, Police Station Sarangarh, District Raigarh (C.G.) for commission of the offence punishable under Section 384 read with section 34 of Indian Penal Code.
2. The prosecution case, in brief, is that First Information Report was registered against the applicant and co-accused on the basis of written complaint made by the complainant alleging therein that the applicant and co-accused came to him and demanded Rs.30,000/- for not spreading the news about illegal work done by the complainant. The complainant refused to give the amount and on 21.09.2020, the applicant

and co-accused made viral the news with heading “Domadih Panchayat me farjiwada” in whatsapp portal.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that even if the contents of FIR is taken as it, no offence under Section 384 IPC is made out. Further, bare perusal of documents clearly shows that it is covered under Section 385 IPC because delivery of the valuable security is not there.
4. Counsel for the State however opposes the application for anticipatory bail.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, in particular the nature of offence, without further commenting on merits, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant.
6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicant shall make himself available for interrogation/medical examination before the concerned investigating 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 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/-

(Rajani Dubey)
Judge

pkd