

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7678 of 2021**

1. Mahant Alias Motilal Sonwani, S/o Late M.R. Sonwani, aged about 53 years,

2. Smt. Anita Sonwani, W/o Motilal Sonwani, Aged about 40 years,

Both R/o New Mines Quarter, Chota Bazar Ward No. 28, Chirmiri, Distt. Korea (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, through Police of P.S. Chirmiri, District Korea (C.G.)

----Non-applicant

For Applicant	:	Mr. Shailendra Dubey, Advocate.
For Non-applicant	:	Mrs. Smriti Shrivastava, Panel Lawyer.

Hon'ble Mr. Justice N.K. Chandravanshi**Order On Board**

22-11-2021

1. The accused/applicants have preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail in connection with Crime No. 311/2021 registered at Police Station Chirmiri, Distt. Korea (C.G.) for commission of offence punishable under Sections 384, 386, 420, 120-B read with Section 34 of the Indian Penal Code and Sections 3 & 4 of the Karza Act.

2. Case of the prosecution, in brief, is that complainant Shivan Ram had taken loan of Rs.13,000/- from applicant No. 1 and in lieu thereof, he had given two cheques to him. Thereafter, complainant returned Rs.10,000/- against the said loan amount and only Rs.3,000/- was remaining against the said amount. It is alleged that applicant had withdrawn Rs.5,00,000/- by depositing one cheque given by the complainant by extorting the complainant. Based on above facts, present crime under Sections 384, 386, 420, 120-B & 34 of IPC and Sections 3 & 4 of the Karza Act.

3. Learned counsel for the applicants would submit that applicants have been falsely implicated in the present case due to dispute of transaction of the amount between them. He would next submit that applicants are in custody since 8.9.2021; charge-sheet has been filed for the aforesaid offence against the applicants. Actually, it is a case of civil dispute but it has been falsely registered as criminal case. He would next submit that since the applicants are permanent resident of District Korla, therefore, there is no chance to influence the prosecution witnesses or absconding of the applicant and the offence registered against the applicants are triable by Judicial Magistrate, First Class, hence, they may be enlarged on bail.

4. Per contra, counsel for the State opposes the submissions made by counsel for the applicant stating that it is a case of extortion and withdrawing huge amount from the account of complainant, therefore, bail application filed by the applicant is liable to be rejected.

5. Considering the facts & circumstances of the case, nature & gravity of the offence, also taking into consideration the detention period of the applicant; charge-sheet has already been filed and the offences registered against the applicants are triable by Judicial Magistrate, First Class; I feel inclined to grant bail to the applicants. Accordingly, the bail application is allowed.

6. Accused/applicants are directed to be released on bail on each of them executing a personal bond for a sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

Sd/-

(N.K.Chandravanshi)
Judge

D/-

