

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1612 of 2020**

- Amitesh Kesharwani, S/o Bhagwan Prasad Kesharwani, aged about 43 years, R/o Motiram Gali, Sarangarh, District Raigarh (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through : The Station House Officer, Police Station Sarangarh, District Raigarh (C.G.)

---- Respondent**And****MCRCA No. 474 of 2021**

- Vikash Yadav, aged about 28 years, S/o Lt. Shri Suresh Chandra Yadav, R/o village Bidpara, Ward No.13, Sarangarh, District Raigarh, Revenue District Raigarh, Civil District Raigarh (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through : The Station House Officer, Police Station Sarangarh, District Raigarh (C.G.)

---- Respondent

For Applicants	:	Mr. B.D. Guru, Advocate in MCRCA No.1612/2020 and Mr. Pranjal Shukla, Advocate in MCRCA No.474/2021.
For Respondent.	:	Ms. Anjali Singh Chouhan, P.L.
For Objector	:	Mr. Sanjay Agrawal, Advocate

Hon'ble Smt. Justice Rajani Dubey**Order on Board****01/04/2021**

1. Since, the aforesaid anticipatory bail applications arise out of same crime number, they are being heard and disposed of together by this common order.
2. These applications under Section 438 of the Code of Criminal Procedure have been filed by the applicants who are apprehending their arrest in connection with Crime No.721/2020 (wrongly mentioned as 702/2020 in bail rejection order of applicant Amitesh Kesharwani in MCRCA No.1612/2020) registered at Police Station –

Sarangarh, District Raigarh (C.G.) for commission of the offence punishable under Sections 384 read with section 34 of Indian Penal Code.

3. The prosecution case, in brief, is that complainant namely Motilal Patel, Sarpanch, Parsada Chote lodged a complaint at police station against applicant Amitesh Kesharwani, who is a Publisher-cum-Editor of registered newspaper Sarangarh Times, alleging that the applicant along with co-accused Vikash Yadav, in the name of publishing advertisement, illegally demanded money and when he refused to give money, they threatened him to publish false news against him and tarnish his image in the society. Based on this, the offence has been registered against the applicants under Section 384 read with section 34 of Indian Penal Code.
4. Learned counsel for the applicant in MCRCA No.1612/2020 submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the applicant is a publisher of newspaper Sarangarh Times and it is the Motilal Patel, who after nominating Sarpanch of Gram Panchayat, used to give his personal advertisement for publishing in newspaper 'Sarangarh Times'. The complainant has also made payment against advertisement. Learned counsel also submits that when the applicant asked for balance payment of the advertisement, the complainant, all of a sudden, lodged a complaint and pressurized the police by agitating under the banner of 'Sarpanch Sangh'.
5. Learned counsel for the applicant in MCRCA No.474/2021 submits that the applicant is only a distributor of news-paper 'Sarangarh Times' and he has nothing to do with the advertisement alleged to have been published against the complainant.
6. Counsel for the State however opposes the applications for anticipatory bail.

7. Mr. Sanjay Agrawal, learned counsel for the Objector, opposing the bail application submits that the applicants always used to blackmail the complainant. He also submits that no information about the news-paper 'Sarangarh Times' is available in District Public Relation Office, Raigarh, as is evident from the document (Annexure O-2). He further submits that applicant Amitesh Kesharwani also misused the interim bail granted to him threatening the complainant to publish more and more news against him, if he does not take his complaint back.
8. I have heard learned counsel for the parties and perused the case diary.
9. After hearing counsel for the parties and considering the facts and circumstances of the case, and further considering the conduct of the applicants, this Court is of the considered opinion that it is not a fit case to grant anticipatory bail to the applicants.
10. Accordingly, the applications are dismissed.

Sd/-

(Rajani Dubey)
Judge