

M.Cr.C. No.10605/2014

29.12.2014

Shri Sunil Gupta, learned counsel for the applicant.

Shri RS Bais, learned Dy. GA for the respondent/State.

Case diary is available.

This is first bail application filed by the applicant under section 438 of the Code of Criminal Procedure, before this Court for grant of anticipatory bail.

The present applicant apprehends his arrest by the Police Station – Chandan Nagar District – Indore in connection with Crime No.1283/2014 for the offence punishable under section 420 of IPC.

According to the prosecution case, the present applicant alongwith one co-accused Abhishek Mishra went to the house of the complainant on 04.12.2014 and asked her that she was doing some illegal acts and asked her to accompany them which she refused. Thereafter, it is alleged that on 09.12.2014, four persons went to the house of the complainant and asked for Rs.50,000/- and threatened to defame her in case, she did not give the

money.

Learned Dy. GA opposes the bail application.

Learned counsel for the applicant argues that it is not mentioned in the FIR that on 09.12.2014, the present applicant went to the house of the complainant alongwith the four persons. His only involvement in the crime is that he went to the house of the complainant on 04.12.2014. He also argues that the present applicant is a Police Constable and he is falsely implicated in the case.

Arguments heard, perused the case diary.

After taking all the facts and circumstances of the case into consideration, I find that it is fit case where the benefit of provision under section 438 of Cr.P.C. may be extended to the present applicant. Accordingly, the application is allowed.

It is directed that in the event of arrest, the applicant namely – Vijay Vishwakarma Son of Radheshyam Vishwakarma shall be released on anticipatory bail on his furnishing a personal bond of **Rs.50,000/- (Rs. Fifty Thousand only)** and a solvent surety of the like amount to the satisfaction of the concerning Magistrate or

Arresting Officer as the case may be, with the following conditions:-

(i) that he 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 would comply with the conditions enumerated under section 437(3) Cr.P.C. meticulously.

Certified copy as per rules.

(Alok Verma)
Vacation Judge