

SAURABH VERMA Vs STATE OF CHHATTISGARH

Court: CHHATTISGARH HIGH COURT

Date of Decision: March 28, 2018

Acts Referred: Indian Penal Code, 1860 " Section 34, 384, 389, 420

Hon'ble Judges: P. SAM KOSHY

Bench: Single Bench

Advocate: Fouzia Mirza, TK Jha, Sunita Jain

Final Decision: Allowed

Judgement

1. There are first bail application seeking for grant of bail to the Applicants who are in jail since 23.11.2017 in connection with Crime No. 259 of 2017

registered at Police Station Nevai, District Durg, for the offence punishable under Sections 384,389,420/34 IPC.

2. As per prosecution case, the applicants along with other accused persons is said to have trapped the complainant Mohd. Khalil on the assurance of

providing him girls for his physical satisfaction. Subsequently, when the said complainant is said to have gone along with the girl to a flat at Balaji

Apartment, Risali, Bhilai and when the complainant was inside the room along with the girl, the applicants in MCrc Nos. 750 of 2018, Sourabh Verma

and Ku. Priya Sharam, applicant in MCrc No.896 of 2018 is said to have entered into the room and is said to have started black mailing the

complainant demanding Rs.3,00,000/- or else the act which has been recorded by the accused would be published in whatsapp and also sent to the

family members. So far as the applicant in MCrc No.1042 of 2018-Vivek Choudhary is concerned, his role is only to the extent of being the driver of

the vehicle in which the complainant was taken to the flat. Later on, at the instance of one Faizal, the settlement was arrived for Rs.1,50,000/- of

which Rs.60,000/- was paid in advance and balance of Rs.90,000/- was to be paid later on. Meanwhile, the complainant is said to have lodged an FIR

after three days on 22.11.2017.

3. Learned Counsel for the applicants submits that the applicants for their act have already suffered sufficient punishment as they are in custody since

November, 2017 i.e. for about four months and that the offence charged are all offences triable by a Judicial Magistrate First Class, and therefore, the

applicants may be released on bail.

4. However, the State counsel opposes the bail application.

5. Without commenting on merits, considering the totality of the facts and circumstances of the case and particularly considering the nature of offence

and the period of custody, this Court is of the opinion that the present is a fit case where the Applicants can be enlarged on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicants shall be released on bail on their furnishing a personal bond

for a sum of Rs.20,000/- each with one surety of the like sum to the satisfaction of the concerned Trial Court for their appearance as and when

directed.