

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case (A) No.231 of 2015

Raju Singh, S/o Sukhnandan Singh, aged about 39 years, R/o Village Paunsara, Police Station Koni, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Koni, District Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicant:	Mr. Devesh Chandra Verma, Advocate.
For Non-applicant:	Mrs. Madhunisha Singh, Panel Lawyer.
For Objector:	Mr. Vivek Kumar Shrivastava, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

29/07/2015

1. Apprehending arrest in connection with Crime No.40/2015, registered at Police Station Koni, Distt. Bilaspur, for the offence punishable under Sections 384 of the IPC, 3 and 4 of the Loans Act, the applicant has filed this application under Section 438 of the CrPC for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that the present applicant had given a loan of Rs.11 lakhs to complainant Manohar Lal Gidwani and thereafter, threatened and extorted for recovery of said amount with 5% interest.
3. I have heard learned counsel for the parties and perused the case diary.
4. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated.

The complainant is not refunding the amount which he has taken as loan and duly recorded in the documents and as such, he has been falsely implicated in the offence in question of extortion.

5. On the other hand, learned State counsel opposes the application and submits that the applicant has taken the possession of brick-kiln and has extorted Rs.13,50,000/-, even then he is threatening and demanding Rs.11 lakhs with 5% interest and thereby committed the offence.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, further, the undisputed fact that the applicant has given loan of Rs.11 lakhs to complainant / objector Manohar Lal Gidwani, the dispute appears to be of loan transaction between the parties, considering the nature of dispute prevailing between the parties, the fact that the dispute is of the year 2012 and that the FIR has been lodged on 5-3-2015, I consider it a fit case for grant of anticipatory bail to the applicant. Accordingly, the application is allowed.
7. It is, therefore, directed that in the event of arrest of the applicant in connection with the aforesaid offences, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned investigating / arresting officer. The applicant shall also abide by the following conditions: -
 1. He shall make himself available for interrogation before the concerned arresting / investigating officer as and when required.
 2. 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/her from disclosing such facts to the Court or to any police officer.

3. He shall not act, in any manner, which will be prejudicial to fair and expeditious trial.
4. He shall also appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma