NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 507 of 2015

Udal Pasi S/o Late Nanka Pasi Aged About 45 years R/o Hemunagar, Near Over Bridge, Thana Torwa, District Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station In-charge, Police Station Torwa, Bilaspur Chhattisgarh

---- Respondent

For Applicant : Shri Arvind Shrivastava, Advocate.
For Respondent/State : Shri Vinod Tekam, Panel Lawyer.

Order On Board

03/07/2015

Heard.

This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.70/2015, registered in Police Station-Torwa, District- Bilaspur, for alleged commission of offence under Sections 384 read with Section 34 of the IPC and Sections 3 & 4 of the Karja Act.

Case of the prosecution, in brief, is that the applicant is extorting money from the complainant on the basis of cheque book, pass-book and ATM card of the complainant.

Learned counsel for the applicant submits that present is a case of false implication. There is no receipt produced during investigation that the loan amount has been paid. He further submits that the allegation of extortion is baseless. The applicant had advanced loan to the complainant, but, the complainant, with dishonest intention, is not intending to re-pay loan, therefore, he is making allegation.

On the other hand, learned counsel for the State submits that as per the complaint, the applicant has been extorting money from the complainant who had taken loan of Rs.30,000/- from the applicant. It has been stated that even though the entire amount has been repaid, still the applicant is extorting money.

Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration the submission that the allegation of re-payment of Rs.50,000/- as against loan of Rs.30,000/- are not based on any clinching documentary

evidence, I am inclined to allow the application.

It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the arresting officer on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

(i) the applicant shall make himself available for interrogation by the police officer as and when required;

(ii) the applicant 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;

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava)**

J U D G E

Praveen