

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 563 of 2015

Vikas Singh S/o Devendra Singh Aged About 29 years R/o Near Pani Tanki, Indira Colony, Tarbahar, Bilaspur, Civil & Revenue District Bilaspur Chhattisgarh

---- Petitioner

Versus

State Of Chhattisgarh Through : The District Magistrate, Bilaspur CG.

---- Respondent

For Applicant	:	Shri Atanu Ghosh, Advocate
For Respondent / State	:	Ms. Shubha Shrivastava, Panel Lawyer

Order On Board

16/07/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.59/2015 registered at police station – Tarbahar, Bilaspur, CG for alleged commission of offence under Section 384 of IPC and Section 3 and 4 of Karja Act.

2. Case of the prosecution is that the applicant had advanced loan to the complainant and despite return of the whole amount, the applicant, on the strength of valuable documents like blank cheque, signed stamp paper, had been extorting money more than the amount of loan and interest.

3. Learned counsel for the applicant submits that the complaint is false and is a counter-blast to the complaint filed by the applicant. It is submitted that the applicant had advanced loan to the complainant. Towards repayment of loan, the complainant had given a cheque of Rs.2,50,000/- and when it was presented in the bank, it was bounced. Whereafter, a complaint under Section 138 of the Negotiable Instruments Act and offence was registered against the complainant. When the complainant came to know about this criminal proceedings, as a counter-blast, he lodged FIR against the applicant.

4. On the other hand, learned State counsel opposes the bail application and

submits that according to the complainant herein, he had repaid the entire amount of loan. As the applicant possessed of valuable documents, on that basis, he is extorting more than the amount of loan and interest from the complainant.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the FIR has been lodged on 09/03/15, after the applicant's complaint has been registered against the son of the complainant, the application is allowed.

6. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail 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 and the applicant shall abide by all the following terms and conditions -

7. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail 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 and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant 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 shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
Manindra Mohan Shrivastava
Judge