

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 634 of 2015

Ramprakash Saluja S/o Late Bodhram Saluja Aged About 80 years R/o Dayalband
Bilaspur, Police Station- City Kotwali, Tahsil & District Bilaspur, Civil And Revenue
District Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through: Police Station Torwa Bilaspur, Tahsil And District
Bilaspur, Civil And Revenue District Bilaspur, Chhattisgarh

---- Respondent

For Applicant	-	Shri Ratnesh Kumar Agrawal, Advocate
For Respondent/State	-	Ms. Shubha Shrivastava, Panel Lawyer

Order On Board

30/07/2015

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.54/15 registered at police station – Torwa Bilaspur, Distt. - Bilaspur, CG for alleged commission of offence under Section 384/34 of IPC and Section 3 & 4 of the Money Lenders Act, 1934.
2. Prosecution case is that the applicant advanced loan to the complainant. Though complainant has re-paid the entire amount of loan, the applicant is extorting huge amount from the complainant with huge interest on the basis of ATM card, pass book, signed blank cheque and blank bond paper in his possession.
3. Learned counsel for the applicant submits that the applicant is being falsely implicated by the complainant with dishonest intention to avoid re-payment of loan advanced to him by the applicant. It is argued that the complainant has admitted that he had taken loan from the applicant.
4. It is submitted that the complainant has not come with any clinching documentary proof of having repaid the amount along with agreed rate of interest nor has given any specific detail of number of cheques or any other material to prima facie establish that the applicant is involved in extortion. Learned counsel also argues that infact, the applicant filed a suit,

obtained money decree in his favour and only in order to avoid execution of money decree, false complaint has been made.

5. On the other hand, learned State counsel submits that the complainant has stated that he had obtained loan of Rs.500/- by the applicant and he has already paid Rs.12,000/- but the applicant is continuing to extort money on the basis of plain signed paper.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that admittedly the complainant had taken loan and there is no clinching documentary evidence of repayment of entire amount of loan with agreed rate of interest or payment of entire amount as stated by the complainant and that the criminal case has been lodged after complainant suffered money decree against him on the suit filed by the applicant, the application is allowed.

7. 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

J U D G E

Rekha