

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 744 of 2015

Jogendar Lal Saluja Aged About 59 Years S/o Late Chandlal Saluja R/o - Tarbahar
Naka Bilaspur, Police Station - Tarbahar, Tahsil & District Bilaspur Chhattisgarh Civil
& Revenue District Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through - Police Station Torwa Bilaspur, Tahsil & District
Bilaspur Chhattisgarh Civil & Revenue District Bilaspur Chhattisgarh

---- Respondent

For Applicant	:	Shri Ratnesh Kumar Agrawal, Advocate
For Respondent/State	:	Shri Vinod Tekam, Panel Lawyer

Order On Board

18/08/2015

Heard.

This application under Section 438 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 Section 384 IPC and Sections 3 & 4 of the Money Lenders Act, 1934.

Case of the prosecution, in brief, is that the applicant had advanced loan of Rs.1000/- to the complainant on a very high rate of interest and it is alleged that even though the complainant had re-paid the entire amount of loan, thereafter also, the applicant is extorting money on the basis of signatures obtained on the blank papers.

Learned counsel for the applicant submits that present is a case of false implication. The applicant is a registered money lender. He had advanced loan to the complainant. When complainant did not re-pay the loan, a civil suit was filed bearing Civil Suit No.15-B of 2012 and the 3rd Civil Judge Class-II, Bilaspur granted a money decree of Rs.20,000/- in favour of the applicant on 4th April, 2012. Thereafter, in execution of decree, an order was passed by the Executing Court directing recovery of Rs.500/- per month from the salary of the complainant. Thereafter, in order to avoid the liability under the decree, the complainant has lodged a report in the police station.

On the other hand, learned counsel for the State submits that as per the allegation contained in the FIR and diary statement, only a loan of Rs.1000/- was taken by the

complainant, but, thereafter, more and more money is being extorted on the basis of signatures of the complainant on the blank piece of paper.

Taking into consideration the submissions made by learned counsel for the parties, particulars taking into consideration that report against the applicant has been lodged after a money decree passed in favour of the applicant and against the complainant and after deductions were made from the salary of the complainant in execution of decree, 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 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)
Judge