

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 924 of 2015

Harjeet Singh S/o Late Gurubachan Singh Aged About 57 Years R/o Vinoba Nagar
Police Station Tarbahar, Tah. And Distt. Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Torwa, Distt. Bilaspur Chhattisgarh.

---- Respondent

Shri Amit Kumar, counsel for the applicant/s.
Shri Ashok Swarnakar, Panel Lawyer for the State.

Order On Board

22/09/2015

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 Section 384 of the IPC and Sections 3 & 4 of the Karja Act.

2. Case of the prosecution is that the applicant had advanced loan to the complainant and thereafter he has started extorting huge amount in the name of interest and even though entire money has been repaid, he is extorting money by keeping in his possession signature of the complainant on blank paper.

3. 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. It is also submitted that now the complainant has resolved dispute with the applicant.

4. 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.1,000/- from the applicant. It has been stated that even though the entire amount has been repaid, still the applicant is extorting money.

5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration the submission that admittedly the complainant had taken loan and that there is no clinching documentary evidence of re-payment of entire amount of loan with agreed rate of interest or payment of entire amount as stated by 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 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