

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 732 of 2015

Devnarayan Pal S/o Devsharan Pal Aged About 40 Years R/o - Hemu Nagar, Infront Of Government School, Police Station - Torwa, Distt. - Bilaspur (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through - District Magistrate, Distt. - Bilaspur (Chhattisgarh).

---- Respondent

For Applicant	:	Shri Basant Dewangan, Advocate
For Respondent/State	:	Ms. Shubha Shrivastava, Panel Lawyer

Order On Board

14/08/2015

Heard.

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 65/2015 , registered in Police Station-Torwa, District-Bilaspur, for alleged commission of offence under Section 4 (1) (3) of the C.G. Money Laundering Act and Section 384 of the IPC.
2. Case of the prosecution, in brief, is that the applicant had advanced a loan of Rs.70,000/- to the complainant by retaining two blank cheques from him. Even after repayment of more than Rs.90,000/, the applicant is extracting money from the complainant, the debtor, which amounts to extortion as also violative of provisions of the Money Laundering Act.
3. Learned counsel for the applicant submits that it is a case of false implication. He submits that loan has not been fully re-paid and in order to avoid repayment, false allegations are being leveled. There is no proof of re-payment of loan placed by the complainant before the police authority or in any other proceedings in any Court of law.
4. On the other hand, learned counsel for the State submits that as per the allegation, as against loan of Rs.70,000/-, more than Rs.90,000/- has been repaid, yet the applicant has been found extorting money more than the amount of loan on the basis of blank cheques retained by him.

5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration that there is no documentary evidence of re-payment of loan by the complainant, I am inclined to allow the application.
6. The application is accordingly 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