

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1202 of 2015

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

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, 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 S.R.J. Jaiswal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

3/12/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.69 of 2015, registered at Police Station Torwa Bilaspur, District Bilaspur (C.G.) for offence punishable under Section 384 of IPC and 3 & 4 of the Money Lenders Act, 1934.
2. According to the case of prosecution applicant advanced loan to the complainant and thereafter though amount has been re-paid, applicant is extorting huge amount from the complainant on the basis of signature obtained on blank paper in his possession.
3. Learned counsel for the applicant submits that in order to avoid re-payment of loan which was of Rs.2500/- false averments have been made. It is further stated that complainant has not established the fact that loan has been re-paid and in order to avoid payment of loan, false report

has been made that signature were obtained on the blank paper. He further submits that similarly placed co-accused has been enlarged on anticipatory bail by the coordinate bench of this court in M.Cr.C. (A) No. 339/2015 on 13/05/2015. He therefore submits that applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. Having regard to the facts and circumstance of the case, taking into consideration the fact that complainant has taken loan which led to written report and counter report and also for the fact that for similar allegation another co-accused has been enlarged on anticipatory bail by the coordinate bench of this court in M.Cr.C. (A) No. 339/2015 on 13/05/2015, I am inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is allowed and 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 officer arresting him on executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:-

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that 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/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) the applicant 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/-
(Goutam Bhaduri)
JUDGE

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