

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 551 of 2015

Vicky Gorakh S/o Sukh Sagar Gorakh Aged About 33 years R/o Shivaji Marg,
Tikrapara, Dayalband, Police Station - City Kotwali, Tahsil - Bilaspur, Civil &
Revenue District Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through - Station House Officer, Police Station - City
Kotwali, District - Bilaspur Chhattisgarh

---- Respondent

For Applicant/s	:	Shri Dharmesh Shrivastava, Advocate.
For Respondent / State	:	Ms. Sunita Jain, Panel Lawyer

Order On Board

16/07/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.59/15 registered at police station Bilaspur for alleged commission of offence under Section 384 of IPC and 4, 5 of Karza Act.

2. Case of the prosecution is that the applicant had advanced loan of Rs.1,00,000/- to the complainant. The complainant had returned the entire amount of loan. However, the applicant has unauthorisedly kept his motor cycle and extorting money more than the amount of loan and interest.

3. Learned counsel for the applicant submits that it is a case of false implication. Towards repayment of loan, a cheque of Rs.1,00,000/- was given to the applicant by the complainant which was bounced, whereafter, the applicant had filed criminal case against the complainant and the complainant, only as a counter blast, lodged FIR against the applicant.

4. On the other hand, learned State counsel submits that the complainant has clearly stated that he has paid the entire amount of loan even thereafter, the applicant has kept his motor cycle and extorting money.

5. Taking into consideration the submission of learned counsel for the applicant, considering that FIR has been lodged after the applicant instituted criminal proceedings due to cheque bounce, 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 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
Judge