NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 713 of 2015

Suresh Kumar Yadav @ Deepu Yadav S/o Sita Ram Yadav Aged About 28 years R/o Deorikhurd Tehsil Bilaspur, Police Station Torwa, District Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Police Station Torwa Bilaspur, Chhattisgarh

---- Respondent

For Applicant	-	Mr. D.K. Wankhede, Advocate
For Respondent/State	-	Ms. Shubha Shrivastava, Panel Lawyer
For Objector	-	Mr. Amit Kumar, Advocate

Order On Board

14/08/2015

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.147/2015 registered at Police Station Torwa, Bilaspur for alleged commission of offence under Section 384 of IPC and 4 of the Money Lenders Act, 1934.

2. Case of the prosecution is that the applicant advanced loan of Rs.4,80,000/- to the complainant. It is alleged that at the time of advancing loan, the applicant had collected blank cheques, bonds alongwith ATM card also, from the complainant. The allegation against the applicant is that even though, the entire amount of loan has been repaid alongwith interest, the applicant is extorting money from the complainant on the basis of blank cheques, bonds and ATM card in his possession.

3. Learned counsel for the applicant submits that the complaint is a false implication to avoid repayment of loan, which the complainant had taken from the applicant. He submits that the loan, till date, has not been repaid and when cheques issued by the complainant were presented before Bank, cheques were dishonoured, whereafter, notice was given by the applicant to the complainant. In order to avoid criminal liability of dishonour of cheques and

apprehending criminal proceedings under Section 138 of the Negotiable Instrument Act, the applicant has submitted report.

4. On the other hand, learned State counsel opposes prayer for grant of anticipatory bail and submits that at the time of advancing loan, the applicant kept blank cheques, ATM card and bonds only as security towards repayment of loan. Once, loan has been fully repaid, retention of those valuables and collecting money from the complainant prima facie amounts to commission of offences alleged against him.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that there is no documentary evidence of repayment of loan fully or in part containing acknowledgment of receipt issued by the applicant and that report has been lodged only after the applicant started claiming payment after dishonour of cheques, the application is allowed.

6. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, the applicant shall be released on bail on 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 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.

iii. that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

iv. that 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/-

Manindra Mohan Shrivastava

J U D G E

Rekha