NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 773 of 2015

Shriniwas Rao S/o K. Appal Ramaiya Aged About 36 Years R/o Hemunagar, Thana - Torwa, District - Bilaspur (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through : Station Incharge, Police Station - Torwa, Bilaspur (Chhattisgarh).

---- Respondent

Shri Arvind Shrivastava, counsel for the applicant/s.
Shri Vinod Tekam, Panel Lawyer for the State.

Order On Board

21/08/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.55/15 registered at police station – Torwa, Distt. - Bilaspur, CG for alleged commission of offence under Section 384 of IPC and Section 3 & 4 of *Karza Act*, 1934.

2. Prosecution case is that the applicant advanced loan to the complainant. Though complainant has re-paid the entire amount of loan, the applicant is extorting huge amount from the complainant with huge interest on the basis of ATM card, Passbook etc. of the complainant in his possession.

3. Learned counsel for the applicant submits that the applicant is being falsely implicated by the complainant with dishonest intention to avoid re-payment of loan advanced to him by the applicant. It is argued that the complainant has admitted that he had taken loan from the applicant. It is submitted that the complainant has not come with any clinching documentary proof of having repaid the amount along with agreed rate of interest nor has given any specific detail of number of cheques or any other material to prima facie establish that the applicant is involved in extortion.

4. On the other hand, learned State counsel submits that the complainant has stated that he was advanced loan of Rs.40,000/- by the applicant and he has paid

Rs.6,00,000 against the loan amount. However, at the time of advancing loan, the applicant retained with him ATM card, pass book and other valuable documents of the complainant and by threatening, using those documents against the complainant, applicant is extorting huge money in the name of interest from the complainant.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that admittedly the complainant had taken loan and that there is no clinching documentary evidence of repayment of entire amount of loan with agreed rate of interest or payment of entire amount as stated by the complainant, I am inclined to extend the benefit of anticipatory bail to the applicant.

6. Accordingly, the application is 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 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

Deepti