

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1110 of 2015

Ravi Lal Sahu S/o Shyamlal Sahu Aged About 42 Years R/o Village
Junwani, P.S. & Tahsil Pathariya, Distt. Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, P.S. Pathariya,
District Mungeli, Chhattisgarh.

---- Respondent

For applicant – Shri Rajeev Shrivastava, Advocate.
For Respondent/State – Shri Neeraj Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

19/11/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.95 of 2015, registered at Police Station Pathariya, District Mungeli (C.G.) for offence punishable under Section 4-A of the C.G. Protection of debtors Act, 1937 and Section 384 of the Indian Penal Code.
2. According to the case of prosecution case the complainant Niranjana Verma had obtained loan from Bharat Lal Sahu of Rs.15,000/- after death of his father-in-law to perform last rituals and thereafter there was understanding that principal amount be returned and subsequently on 19/04/2015 when nephew of the complainant went to village Junwani then at that time the vehicle TVS motorcycle wherein nephew went was held in lieu of demand of Rs.15,000/- with a demand of interest of 10% and thereafter on 29/04/2015 Rs.15,000/- was returned but another amount of Rs.7500/- was demanded.

3. Learned counsel for the applicant submits that entire allegation was against Bharat Lal Sahu and statement would also show that last transaction was in between Bharat Lal Sahu and this applicant Ravil Lal Sahu is only named that while TVS motorcycle was taken away he was instrumental in that. He further submits that undoubtedly loan was obtained and in order to avoid the same report has been made and Bharat Lal Sahu has been enlarged on bail by the trial court on 7/09/2015, therefore considering the statement, applicant may be released on anticipatory bail.

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

5. Reading of the FIR would show that the allegations were made against Bharat Lal Sahu and Ravi Lal Sahu jointly and predominantly statement are made against Bharat Lal Sahu. Considering the statement and the allegation made and undoubtedly there has been loan transaction between the parties and dispute arose about payment of interest. Considering the fact that Bharat Lal Sahu has already been enlarged on bail as primary allegation was against Bharat Lal Sahu, 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