

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1018 of 2015

Ajay Chouhan S/o Raghveer Singh Chouhan Aged About 40 Years
R/o Link Road, Near Bukhari Petrol Pump, Police Station Tarbahar,
District Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O. Police Station Tarbahar, District
Bilaspur Chhattisgarh.

---- Respondent

For applicant – Shri Awadh Tripathi, Advocate.
For Respondent/State – Shri Neeraj Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

27/10/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.60 of 2015, registered at Police Station Tarbahar, Distt. Bilaspur (C.G.) for offence punishable under Section 384 of IPC and Section 3, 4 of the Karza Act.
2. According to the case of prosecution complainant who are running Electronic shop have received loan of Rs.1,50,000/- from the applicant for improvement of electronic business and they handed over four blank cheques of ICICI bank and a blank stamp to the applicant as a surety for the said loan. According to the complainant, out of the said amount of Rs.1,50,000/-, Rs.1,21,000/- was paid in installment and thereafter regularly paid Rs.500/- per day to the applicant but the blank cheques are not being returned.
3. Learned counsel for the applicant submits that the applicant is

falsely implicated in this case and he is not in hold of any cheque as nothing has been done as nature of the complaint made that four blank cheques have been held as surety for the loan. It is also submitted that no documentary evidence has also been proved to show that such type of transaction was ever entered upon.

4. Learned State counsel opposes the bail and submits that unless the applicant is arrested, recovery cannot be made.

5. Taking into consideration submission made by learned counsel for the applicant that applicant is not in hold of blank cheques as has been made in the complaint, therefore recovery on the basis of such to extort can be ruled out if applicant is not in possession of the cheque, then further recovery on the basis of such cheque cannot made out. Taking into consideration nature of the allegation, 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