

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C (A) No. 1075 of 2015

Parmeshwar Jaiswal S/o Lola Ram Jaiswal Aged About 45 Years R/o Village Mohlain Bhata Katghora, P.S. & Tahsil - Katghora, District Korba Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through - Police Station Katghora, District - Korba Chhattisgarh

---- Respondent

For Applicant	:-	Mr. Gautam Khetrapal alongwith Mr. Vikas Pandey, Advocates
For Respondent /State	:-	Mr. S.R. J. Jaiswal, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

05/11/2015

1. Apprehending arrest in connection with Crime No.94/2015 registered at Police Station- Katghora, District Korba (C.G.) for the offence punishable under Section 384 of Indian Penal Code and section 4 of Karja Adhiniyam, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. Prosecution case is that the applicant advanced loan of Rs. 35,000/- to the complainant Amritdas. Though complainant has repaid the entire amount of loan, the applicant is extorting huge amount from the complainant with huge interest on the basis of signed cheque, pass book of the complainant which are 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 alongwith agreed rate of interest nor has given any specific detail of number of cheques or any other material to prime 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. 35,000/- by the applicant and he has paid the entire amount of loan. However, at the time of advancing loan, the applicant retained with him signed cheque, 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, admittedly an amount of Rs. 35,000/- was advanced as loan and therefore, no documents has been placed on record which shows that the amount was re-paid with agreed rate of interest.
6. Taking into account and the fact that similar placed issue decided by the coordinate Bench of this High Court in M.Cr.C. No. 844/2015 on 04.09.2015 and allowed the application for grant of anticipatory bail of the applicant, this Court is inclined to enlarge the applicant on anticipatory bail.
7. 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. 25,000/- along with one 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.

(Goutam Bhaduri)
Judge