

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1297 of 2015

Martin S/o Late Arik Swami Aged About 32 Years R/o Tarbahar P.S.
Tarbahar Distt. Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through P.S. Torwa Distt. Bilaspur
Chhattisgarh

---- Respondent

For applicant – Shri Amit Kumar, Advocate.
For Respondent/State – Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

7/01/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.75 of 2015, registered at Police Station Torwaa Dist. Bilaspur C.G. for offence punishable under Section 384 of IPC., Section 3, 4 Karja Act.
2. According to the case of prosecution complainant had borrowed amount of Rs.50,000/- from the applicant. Thereafter, since amount was not paid threat was extended for recovery of the amount. Consequently, certain cheques were given, blank stamp paper were got executed and complainant was threatened to make good payment and therefore on the report offence is registered.
3. Learned counsel for the applicant submits that applicant has been falsely implicated in the case. He further submits that complainant has obtained loan of Rs.50,000/- and in order to avoid re-payment false report has been made. It is pure and pure money transaction, no criminality is made out, therefore the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail, however do not dispute the fact that case arose out of loan transaction.

5. Taking into account facts and circumstances of the case and taking into fact that matter prima facie appears to be monetary transaction of loan. After perusal of the case diary, 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

