NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. (A) No. 237 of 2016

Sunil Kumar Saluja, Aged about 40 years, S/o. Deshraj Saluja, Occupation Material Supplier, R/o. Tikrapara, Bilaspur, Police Station – City Kotwalil, Tahsil and Ditrict Bilaspur (C.G.) Civil and Revenue District Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through - Police of Police Station Torwa, Bilaspur, Tahsil and District Bilaspur (C.G.) Civil and Revenue District Bilaspur (C.G.)

---- Respondent

For Applicant	:-	Mr. Ratnesh Kumar Agrawal, Advocate
For Respondent/State	:-	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15/03/2016

1. Apprehending arrest in connection with Crime No 54/2015 registered at Police Station- Torwa, Bilaspur District- Bilaspur (C.G.) for the offence punishable under section 384 of Indian Penal Code and section 3 and 4 of the Money Landers Act, 1934, the applicant has preferred this application for grant of anticipatory bail.

2. As per the prosecution case, the applicant advanced loan to the complainant T. Venkatrao, of Rs. 500/- thereafter, the entire loan was repaid. However, the applicant was extorting huge amount from the complainant and has obtained documents and retained valuable documents, i.e. ATM card, pass book of the complainant and further

pressurized the complainant to pay back amount.

3. Counsel for the applicant submits that the applicant is a registered money lender and the complainant has obtained loan from him for which recovery proceeding filed before the Civil Court which was decreed and the applicant was pursuing his recovery, therefore, no case is made out against the applicant.

4. Per contra learned State counsel opposes the prayer for grant of anticipatory bail.

5. Perused the case diary and the document as also the judgment and decree filed as Annexure A/2 dated 06.08.2014 wherein decree of Rs. 15,000/- has been passed against the complainant T. Venkatrao. Taking into such fact, it appears that the transaction are monetary in nature, this Court is of the opinion that the present is the a case, where the applicant should be enlarged on anticipatory bail.

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 them 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 them 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.

Sd/-

(Goutam Bhaduri)

JUDGE

Santosh