

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. (A) No. 328 of 2016

Amit Singh @ Babla S/o. Late Kunwar Singh, aged about 38 years,
R/o. Parijat Extension, Nehru Nagar, Police Station Civil Lines,
Bilaspur, Tahsil and District Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through – Station House Officer, Police
Station- Koni, Bilaspur District Bilaspur (C.G.)

---- Respondent

For Applicant	:-	Mr. Y.C. Sharma, Advocate
For Respondent/State	:-	Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08/04/2016

1. Apprehending in connection with Crime No 70/2016 registered at Police Station- Koni, District Bilaspur (C.G.) for the offence punishable under sections 384, 506, 294, 323 of Indian Penal Code and section 3 & 4 of Karja Act. The applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a report was made by the complainant Suraj Patel, that he had availed the loan of Rs. 11,00,000/- and had returned Rs. 4,70,000/- in different installments. Thereafter, the applicant demanded Rs. 22,50,000/- with interest and pressurized to sale the plot which belonged to his wife. Thereby, the offence is committed.
3. Learned counsel for the applicant submits that because of some other dispute the allegations have been levelled against this applicant,

neither the applicant has advanced any loan nor any re-payment was made and the relation of lender and borrower do not exists at all. He further submits that an agreement was executed by the wife of the applicant to one Abhinav Pathak for which the applicant has no concerned, therefore, the applicant may be given the benefit of anticipatory bail.

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

5. Perused the statement of Suraj Patel, wherein it is stated that the complainant had availed the loan of Rs. 11,00,000/- thereafter certain amounts were returned and he was pressurized to sale the land belonged to his wife. Considering the statement, it appears that the issue is of monetary transaction; taking into such allegation it appears that the dispute is of civil in nature, therefore, I am inclined to release the applicant on anticipatory bail.

6. Accordingly, the anticipatory bail application is allowed.

7. 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 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 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