

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 293 of 2016

1. Jilajeet, S/o. Sitaram Gupta, aged about 60 years, Occupation- Post Master, R/o. Village-Chhichhor Umaria, P.S.- Pusaur, Tehsil – Pusaur, District – Raigarh (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : District Magistrate, Raigarh, District-Raigarh (C.G.)

---- Respondent

For Applicant	: Mr. Chandresh Shrivastava, Advocate
For Respondent/State	: Mr. Arvind Shukla, Panel Lawyer
For Objector	: Mr. Shishir Dixit, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/03/2016

1. Apprehending arrest in connection with Crime No.29/2016 registered at Police Station- Pusaur, District – Raigarh (C.G.), for offence punishable under Section 384 read with Section 34 of the Indian Penal Code and Section 4 of Karza Adhiniyam, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the complainant lodged a report alleging that the applicant has advanced him an amount of Rs.30,000/-, however, it was not being returned, therefore, on that count, the applicant requested to leave his house on his motor cycle and while he gave him lift up to his house, the motor cycle was forcefully taken away by the applicant.
3. Learned counsel for the applicant would submit that because of money transaction, the false averments have been made to avoid the repayment. It is further submitted that except oral and bald allegation, nothing has been substantiated. It is further submitted

that the complainant himself has left the motor cycle in the house of the applicant as he could not repay the loan and subsequently, report is made. Therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.

4. Per contra, the State counsel as well counsel for the objector opposes the prayer for grant of anticipatory bail and would submit despite the fact that the complainant wanted to repay the amount, forcefully his motor cycle was taken away and was kept in the house of the applicant, therefore, the offence has been committed.
5. I have perused case diary and the statement. Perusal of statement would reveal that certainly dispute arose out of money transaction and it is not disputed that the complainant has obtained loan of Rs.30,000/- from the applicant and the repayment was in dispute. Considering the prima-facie background of the case and the nature of allegation, I am inclined to extend benefit of anticipatory bail to the applicant as the custodial interrogation of the applicant may not be required in this case.
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 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) that 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