

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. (A) No. 398 of 2016

S. Balasubramani (wrongly mentioned as Balasubramaniam) S/o Shri Sabdamuttu, Aged About 36 Years, R/o Village R. Porkotai, Post - R. Porkotai, Police Station Erode, District Dhidgal (Tamilnadu), Present Address - M.I.G. 2/43, Ravishankar Nagar, Police Station - Kotwali, Civil and Rev. District Korba Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, District - Korba Chhattisgarh.

---- Respondents

For Applicant	:-	Mr. Dharmesh Shrivastava Advocate
For Respondent/State	:-	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28/04/2016

1. Apprehending arrest in connection with Crime No. 152 of 2016 registered at Police Station Kotwali, District Korba (C.G.) for the offence punishable under sections 384 read with section 34 of the Indian Penal Code and 4 of Chhattisgarh Moneylenders Act (Karza 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 Premlal Nagvanshi that on 21.03.2016, at the instance of the applicant B. Amarnath and P. Kartik Selwan, who were the employee of the applicant went to the house of the complainant and demanded money of loan of Rs. 10,000/- with interest, though the same was returned by the complainant to the applicant; thereby the offence has been committed.

3. Counsel for the applicant submits that on the date as alleged the applicant was not present in the city as he was out of station. He further referred to the copy of Railway ticket and would submit that no allegations can be attributed to this applicant in order to non payment of loan amount and a false report is made, therefore, the applicant may be given the benefit of anticipatory bail.

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

5. Perusal of the case diary and the documents filed along with the bail petition, it appears that some loan amount was advanced by the complainant for which a dispute arose. Considering the nature of dispute it is purely a monetary transaction, 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 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 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