

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 402 of 2016

1. Dayal Das, S/o. Late Baratu Das, aged about 45 years, R/o. Qtr. No.295-G, Risali Sector, Bhilai, Tahsil and District- Durg (C.G.)
2. Smt. Champa Bai, W/o. Dayal Das, aged about 45 years, R/o. Qtr.No.295-G, Risali Sector, Bhilai, Tahsil and District – Durg (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police Station – Bhilai Bhatti, District – Durg (C.G.)

---- Respondent

For Applicants	: Mr. Jitendra Gupta, Advocate
For Respondent/State	: Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/04/2016

1. Apprehending arrest in connection with Crime No.56/2016 registered at Police Station- Bhilai Bhatti- Durg, District – Durg (C.G.), for offence punishable under Section 420/34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a report was made by one Avdhesh Rai against the applicants that he had given loan of Rs.1,00,000/- to the applicants on 05.05.2013, which was to be repaid with interest after two years on 15.05.2015. Subsequently, when the loan was not repaid, the complainant contacted the applicants, then they assured that an amount of Rs.3,35,000/- of CPF and Rs.2,50,000/- of personal loan would be credited to the account of the applicants and in lieu thereof requested the complainant to give Rs.3,00,000/- so that it can be deposited in the account for security. Thereafter three cheques and promise was made by letter that an amount of loan have come in the account should be handed over to

the complainant. Subsequently, it was revealed that the said loan has already availed by the applicants, thereby fraud has been committed.

3. Learned counsel for the applicants would submit that entire story as has been projected is unbelievable for the reason that once the loan is outstanding, it is impossible that further amount would be advanced to the applicants. It is further submitted that since the report was made by the applicants against the complainant, therefore, in order to save him, false allegations have been attributed against the applicants. Therefore, the applicants may be extended the benefit of anticipatory bail.
4. Per contra learned State counsel opposes the application for grant of bail.
5. Perused the case diary and the report. Perusal of the report shows that the complainant had given initially loan to the applicant No.1 and thereafter, it was not repaid and when request was made, it was stated by the applicant that an amount of Rs.3,35,000/- of CPF and Rs.2,50,000/- of personal loan would be credited to the account of the applicants and in lieu thereof requested the complainant to give Rs.3,00,000/- so that it can be deposited in the account for security, which was paid. The case diary also contains the cheques, which is of Rs.3,00,000/-. Considering the nature of allegation, it appears that monetary transaction is existing between the parties for which the cheques were exchanged. Case diary also contains the letter of the applicant No.1 dated 02.03.2016, wherein it was stated that amount of Rs.3,00,000/- may be given to the complainant. Taking into the nature of allegation it appears the transactions are monetary in nature, this Court is inclined to extend

the benefit of anticipatory bail to the applicants as the custodial interrogation of the applicants 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 applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge