

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3478 of 2017**

1. Mohan Lal Sahu & Anr. S/o Late Heeru Ram Sahu, Aged About 57 Years R/o Village Nawagaon Kandel, Police Station Arjuni, Tahsil And District- Dhamtari, Chhattisgarh.
2. Durga Prasad Sahu, S/o Mohan Lal Sahu, Aged About 36 Years R/o Village Nawagaon Kandel, Police Station Arjuni, Tahsil And District- Dhamtari, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through: Station House Officer, Police Of Police Station
- City Kotwali, Dhamtari, District- Dhamtari, Chhattisgarh.

---- Respondent

For Applicants	:	Shri Anil Gulati, Advocate
For Respondent / State	:	Shri Adhiraj Surana, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****14/06/2017**

1. The applicants are in jail since 09/03/2017 in connection with Crime No.80/2017 registered at City Kotwali, Dhamtari, District - Dhamtari (CG) for the offences punishable under Sections 384, 385, 424, 406 r/w 34 of IPC.

2. As per the prosecution case, the present applicants are said to have advanced loan to the complainant – Rakesh Sahu to the tune of Rs.5 lakhs. As the security against said loan, the complainant had given three blank cheques to the present applicants. The applicants threatened the complainant of using these blank cheques by putting greater amount than that of the loan amount and have extracted huge amount from the complainant. By now, from the period between 2008 – 2016, the present applicants are said to have collected more than Rs. 16 lakhs from the complainant and were further demanding Rs.14 lakhs more for the return of the blank cheque. It is then, the complainant lodged report against the present applicants.

3. Learned counsel for the applicant submits that it is purely a civil dispute between the parties as it is merely a case of monetary transaction and there is no element of extortion for the offences punishable under Section 384 and 385 of IPC. He further submits that the complainant had a civil remedy for getting money recovered and therefore, the present applicants may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes bail application and submits that it is a case where the present applicants have infact cheated the complainant and huge amount, to the tune of Rs.16 lakhs, have been extorted towards loan amount of Rs.5 lakhs and the amount collected is more than two times that of the loan amount and also they are further claiming Rs.14 lakhs in addition to the amount they have already collected from the complainant.

5. Taking into consideration the nature of allegations which have been levelled against the present applicants, this Court is of the opinion that it is not a fit case for grant of bail.

6. The bail application is therefore rejected.

Sd/-
(P. Sam Koshy)
V. JUDGE