

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5438 of 2018**

1. Gyanchand Jain S/o Late Ramlal Jain Aged About 53 Years R/o- Khandelwal Colony, Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
2. Ankush Jain S/o Shri Gyanchand Jain Aged About 24 Years R/o- Khandelwal Colony, Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through- District Magistrate, Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Manish Upadhyay, Advocate.
For the Respondent/State	:	Shri Vinod Tekam, P.L.
For the Objector	:	Shri Ratnesh Kumar Agrawal, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.08.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.264 of 2018, registered at Police Station Mohan Nagar, Durg, District – Durg, Chhattisgarh for the offence punishable under Sections 384, 506, 507, 427/ 34, 386 and 387 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants are in jail since 13.07.2018 and have been falsely implicated in this case. No case is made out against the applicants on the basis of the material placed before

the Court by the prosecution. The fact is that complainant – Neeraj Agrawal had borrowed an amount of Rs.37,10,000/- from the applicants on pretext that he will start a business in which the applicants shall be made partners. The incident is of the year 2014. After passing about four years, the police complaint has been given in the police station and on that basis, FIR has been lodged against the applicants. Hence, it is prayed that the applicants be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that grievous nature of allegations have been made against the applicants that they have threatened the complainant in the name of one Gangster and have realized huge amount from the complainant regarding the loan taken by him. The matter is pending under investigation. Hence, they are not entitled for grant of regular bail.

4. Learned counsel for the objector submits that the complainant had obtained a loan of Rs.90,00,000/- from the applicants and the same has been repaid through cash, cheque and RTGS in total Rs.1,59,92,000/- to the applicants, even then they are making further demand of interest amount and principle amount from the complainant to release the alleged outstanding loan of the complainant. The complainant has been threatened in the name of Gangster Tapan Sarkar.

5. Heard counsel for both the parties and perused the case diary.

6. On 2.1.2018, the applicants alongwith some hooligans had come to the office of the complainant making a demand of Rs.50,00,000/- towards

repayment of outstanding loan and when the complainant refused, they committed mischief in the office of the complainant and damaged the articles present there and also took away the car of the complainant. When this threatening continued, a complaint was filed to the police on 14.4.2018 on which, the police did not take any action and subsequent to that on 12.7.2018, the FIR has been registered against the applicants. Hence, this case.

7. Considered the entire material present in the case-diary. It appears that the applicants and the complainant are businessmen. The transaction of loan is admitted and the amount of loan is not clearly admitted between the parties. In the present state of things, it appears that there is no requirement to keep the applicants in custody for the purposes of investigation, I am of the view that the applicant should be granted regular bail during the pendency of the trial.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that the applicants in both the cases shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge