

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1252 of 2018**

Amit Singh Thakur, S/o. Shri Kunwar Singh Thakur, Aged About 42 Years,
R/o. Parijat Extension Nehru Nagar, Bilaspur, Tahsil and District Bilaspur
Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station
Civil Lines, Bilaspur, Tahsil and District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rajeev Shrivastava, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, P.L.
For Objector	: Mr. Sourabh Sharma, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****11/10/2018**

1. Apprehending arrest in connection with Crime No.33317013180742/2018, registered at Police Station – Civil Line, Bilaspur, District – Bilaspur (C.G.) for offence punishable under Section 384 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. One Arun Singh Thakur is the person behind this false complaint for the reasons that at the instance of Arun Singh Thakur, this applicant had entered into an agreement for purchase of land from Vaibhav Jain,

though it was discovered to be fraudulent and the applicant was cheated of advance paid by him in advance. As the applicant is creating pressure to return his advance money, Arun Singh has made use of the complainant – Harish Chandra, who is employee of the Arun Singh to make this false complaint. Therefore, it is prayed the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. Counsel for the objector after adopting the argument advanced by the learned counsel for the State, it is submitted that it is a clear case of cheating by this applicant according to material present in the case diary. Hence, no case is made out for grant of bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. Complainant – Harish Chandraa has lodged FIR that he had borrowed Rs.2.00 lakhs in the year 2015-16, as he needed the money for marriage of his daughter. Subsequently, the complainant has paid in all Rs.8.00 lakhs to the applicant, which was realized by putting the complainant under pressure, that he had to pay with interest. It is alleged that on 10.08.2018, the complainant was abused and threatened by the applicant and then by brandishing a revolver, the applicant threatened him that, if the, complainant does not pay the applicant Rs.5.00 lakhs, within 15 days, the complainant will be killed. Hence, this case.
7. Considered the submissions made and the contents of the case diary.

8. The submission made by the counsel for the applicant do not find any support in the material present in the case diary. Hence, that may be a ground in defence, but for the present, looking to the prima-facie case present against the applicant, this Court is not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
9. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram