

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 8169 of 2018**

Kailash Singh Rajput S/o Shri P L Rajput Aged About 42 Years R/o In Front Of Mukta Petrol Pump, Utai, Police Station- Utai, Tahsil And District- Durg, Chhattisgarh.

---- Applicant**Versus**

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

----Non-applicant

For Applicant	:	Mr. Jaydeep Singh Yadav, Advocate
For State	:	Mr. Syed Majid Ali, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****12/11/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 309/2018 registered at Police Station Utai, District Durg, Chhattisgarh for the offence punishable under Section 386 of Indian Penal Code, 1860 and Section Section 4 of the C.G. Protection of Debtors Act, 1937.
2. The present applicant is in jail since 07.10.2018 in connection with the aforesaid Crime number.
3. The allegation against the present applicant is that the present applicant is said to have threatened the complainant of dire consequences and also is trying to extort money in respect of a transaction which was entered between the two in the year 2010.
4. According to the counsel for the applicant, the present applicant had given some loan to the complainant and against which the complainant had also given a cheque to the present applicant and

when the said cheque was presented, the same got dishonoured and the present applicant has already lodged a case against the complainant before the Durg Court under the provisions of the Negotiable Instruments Act. He further submits that the said case is still pending consideration and to counter that the present complaint has been lodged by the complainant so as to put pressure upon the present applicant. It is the further contention of the counsel for the applicant that the present applicant has been falsely implicated in the instant case as no such threat ever has been made by the applicant at any point of time.

5. The State counsel on the contrary submits that it is a case where the present applicant has a bad track record, in as much as apart from the present case, there are more five criminal cases against the present applicant for different offences, which would reveal that the applicant is a habitual offender and therefore he does not deserve bail.
6. Given the entire facts and circumstances of the case, particularly taking note of the old dispute between the applicant and the complainant i.e. the case under the Negotiable Instruments Act, pending before the Durg Court and further considering the fact that the alleged transaction between the applicant and the complainant was of the year 2010, prima facie a strong case for grant of bail has been made out by the applicant. Accordingly, the present application for grant of bail is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety

in the like sum to the satisfaction of the concerned Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge

Ved