

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 754 of 2019**

Subhra Singh Tomar, W/o. Virendra Singh Tomar, Aged About 34 Years,
R/o. Sai Vila Colony, Bhathagaon, Raipur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Police Station Kabir Nagar, Raipur
Chhattisgarh.

---- Respondent

For Applicant : Mr. N. Naha Roy, Advocate

For Respondent : Mr. Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****24/06/2019**

1. Apprehending arrest in connection with Crime No.124/2019, registered at Police Station – Kabir Nagar, Raipur, District – Raipur (C.G.) for offence punishable under Section 384, 34 of the Indian Penal Code and Section 4 of Riniyon Ka Sanrakshan Adhiniyam, 1937, 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. No case is made out against the applicant on the basis of the material present in the case diary. The applicant is a licensed moneylender regarding which document has been filed as Annexure A-2. It is her husband, who is engaged in business of money lending on behalf of this

applicant in which this applicant is not concerned in any manner. The complainant Naresh Sachdeva had borrowed amount of Rs.2,50,000/- from this applicant regarding which one agreement was entered between the parties. The cheques given in security for the repayment of loan have been dishonored, thereafter, this applicant has filed a complaint against this complainant under Section 138 of N.I. Act, which has been registered subsequent to that as a counter blast, this FIR has been lodged against the applicant and her husband. Therefore, it is prayed that the applicant may be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that the complainant has repaid all the borrowed amount to Virendra Singh Tomar even then co-accused Virendra Singh Tomar has obtained some signatures on stamp papers, blank cheques and promissory notes for providing additional loan of Rs.6.00 lakhs for repayment of earlier loan and also for enhancement of business of the complainant. But after receiving of the said documents, co-accused has not provided any funds and is threatening the complainant with dire consequences. Therefore, this applicant being engaged with the co-accused in all these transactions is not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. FIR has been lodged by the complainant that he has borrowed Rs.2,50,000/- from Virendra Singh Tomar against which, he has executed an agreement and signed some blank cheques, blank stamp papers and some promissory note. Complainant is regularly

paying installments of the said loan. It is alleged that in the month of October, 2018 co-accused again offered for additional loan and get executed some documents from the complainant subsequent to that without providing additional loan amount to the complainant, he is threatening the complainant with dire consequences.

6. Considered the submissions made and the contents of the case diary. On perusal of the material present in the case diary, it has appeared that this applicant is not directly involved in any of the transaction that have taken place between the complainant and the co-accused Virendra Singh Tomar, hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make herself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram