

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3468 of 2019

Virendra Singh @ Ruby Tomar, S/o. Shri Om Prakash Tomar, Aged About 36 Years, R/o. Sai Vila, Bhathagaon, Raipur Tahsil and District Raipur Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant	: Mr. Awadh Tripathi with Mr. N. Naha Roy, Advocates
For Respondent/State	: Mr. Ghanshyam Patel, G.A..

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/07/2019

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 applicant, who has been arrested in connection with Crime No.124/2019, registered at Police Station –Kabir Nagar, Raipur, District – Raipur (C.G.) for the offence punishable under Section 384, 34 of Indian Penal Code and Section 4 of Riniyon Ka Sanrakshan Adhiniyam, 1973.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 18.04.2019. No case of extortion is made out against the

applicant and the co-accused persons. In fact the wife of the complainant is moneylender from whom, the complainant Naresh Kumar Sachdeva had obtained a loan of Rs.2,50,000/- on 04.10.2018 on condition for recovery of loan a post dated cheque dated 05.01.2019 was given by the complainant to the wife of the applicant. As the complainant could not repay the loan in time agreed, the cheque was presented in the bank on 02.02.2019, which has been dishonored. The wife of the applicant has after serving the legal notice on the complainant has filed a complaint under Section 138 of N.I. Act against the complainant. After issuance of notice in the said complaint, the FIR has been lodged on 18.04.2019 against this applicant and his wife making totally false allegation. Therefore, it is prayed that the applicant be granted regular 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 according to the statement given by the complainant, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the complainant had borrowed Rs.2,50,000/- from the wife of this applicant on terms and conditions agreed between them. It is alleged that signature of the complainant has been obtained on some documents giving false assurance, which did not happen, thereafter, when the complainant requested for return of the documents, it is alleged that this applicant has threatened him with dire consequences.

6. Considered on the submissions made and the contents of the case diary. After considering the facts and circumstances of the case and for the reasons that the case is now before the trial Court and the trial of the case is likely to take some time, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge