

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1030 of 2019

- Vinay Kumar Mishra S/o Late Shri Swayamber Mishra Aged About 35 Years R/o Om Nagar Jarahabhata, Police Station Civil Line, District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Civil Line, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant : Mr. Amiyakant Tiwari & Mr. Bharat Gulabani,
Advocate.

For Respondent : Mr. Shrikant Kaushik, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

23/08/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.115/2015 registered at Police Station- Civil Line, District-Bilaspur, Chhattisgarh for the offence punishable under Sections 384 of IPC, 1860 and Section 3 & 4 of Money Laundering Act, 1937.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. The complainant has admitted in her statement to the police, that she had borrowed Rs.90,000/- out of which she had repaid Rs.63,000/- to the applicant. Whereas the case is this, that the complainant was not making any repayment because of which a legal notice was served upon her for repayment of the loan with interest and

thereafter this false FIR has been lodged. In the further development, a compromise has taken place between the complainant and applicant regarding which one affidavit was filed by the complainant before the Court below by presenting herself, which has not been considered by the said Court, hence, it is prayed that he may be enlarged on anticipatory bail.

3. Learned State counsel opposes bail application and submissions made in this respect. It is submitted that there is evidence present that this applicant committed the offence of extortion, hence, application be rejected.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, the complainant Shobha Motwani has lodged FIR that her son had borrowed Rs.90,000/- from the applicant and repayment of Rs.63,000/- was made on time to time basis even then a legal notice has been served upon the complainant for repayment of loan and interest amounting to Rs.3,00,000/-. Hence, this case.
6. It is admitted that there is money transaction between the applicant and the complainant. Further, there is mentioning of the filing of the affidavit by the complainant in the rejection order of the Court below, which shows that some compromise has taken place between the parties, for this reason, I feel inclined to allow the application of this applicant.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the 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 himself 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha