

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 1376 of 2019**

- Sunil Gangwani S/o Late Shri Puranmal Gangwani, Aged About 44 Years R/o Vijay Soap Gali, Fafadih Chowk, Raipur, District Raipur Chhattisgarh.

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through - Police Station Rajendra Nagar, District Raipur Chhattisgarh.

**---- Respondent**

**AND**

**MCRCA No. 1375 of 2019**

- Ashok Nebhani S/o Late Laxman Das Nebhani, Aged About 54 Years R/o Shyam Nagar, Telibandha, Tahsil And District Raipur Chhattisgarh.

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station New Rajendra Nagar, District Raipur Chhattisgarh.

**---- Respondent**

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For Applicant (In MCRCA No. 1376/2019): Mr. D.P. Gwalre, Advocate.

For Applicant (In MCRCA No. 1375/2019): Mr. Shobhit Mishra and Mr.

Rahim Ubwani, Advocates

For Respondent/State

: Mr. Sushil Sahu, P.L.

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**Hon'ble Shri Justice Arvind Singh Chandel**

**Order On Board**

**25/11/2019**

1. Since both the bail applications arise out of same crime number, therefore they are being decided by this common order.

2. The applicants have filed these bail applications for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 244/2019, registered at Police Station New Rajendra Nagar, Distt. Raipur (C.G.) for the offence punishable under Section 384 of the IPC and Section 4 of the Protection of Debtors Act.
3. As per prosecution story, on 14.07.2019, a report has been lodged by complainant Komal Ranglani against the applicants alleging therein that her husband Sunil Ranglani is having a shop and running it from 4-5 years and does the work of supplying building materials. For the above work, he took a loan of Rs. 17,000,00/- from both the applicants out of which he has already paid Rs. 40,000,00/- with interest to the applicants, despite of this, the applicants used to harassed him and his family members by going to their resident. As a result of which husband of the complainant used to be in pressure and depression. On 11.07.2019 also, applicant Sunil went to the house of the complainant threatened her and her husband. On 13.07.2019 also applicant Ashok had threatened her and her husband due to which he consumed some poisonous substance. On the basis of report made by the complainant, offence has been registered.
4. Learned counsel appearing on behalf of applicant Ashok submits that the applicant is innocent and has been falsely implicated in the present case. *Prima Facie* no case under Section 384 of the IPC can be made out against the applicant. The applicant gave Rs. 7,00,000/- as a loan to the complainant's husband and the complainant's husband gave four cheques as a security. Neither he threatened the complainant nor he threatened her husband. For the sake of arguments if accepted that the applicant demanded for his money, for this reason, no case under Section 384 of the IPC can be made out against the applicant. No custodial interrogation is required

in the matter. The Counsel finally submits that the applicant is reputed persons of his society, he is the permanent resident of above mentioned address and there is no chance of his absconding. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.

5. Learned counsel appearing on behalf of applicant Sunil submits that the applicant is innocent and has been falsely implicated in the present case. The applicant is a business man and running a business of cement. The complainant's husband supplied cement to the applicant for which applicant Sunil gave him a loan and in return the complainant's husband gave him cheque which was dishonored. For saving himself, he implicated the applicant. For the sake of arguments if accepted that the applicant demanded for his money, for this reason, no case under Section 384 of the IPC can be made out against the applicant. The Counsel finally submits that the applicant is reputed persons of his society, he is the permanent resident of above mentioned address and there is no chance of his absconding. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.
6. Per contra, learned counsel appearing on behalf of State opposes the bail applications.
7. I have heard learned Counsel for the parties.
8. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties. Without further commenting on merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
9. Accordingly, the anticipatory bail applications are allowed.
10. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the

sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-

- I. That the accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/applicants 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. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. The applicants shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

**(Arvind Singh Chandel)**  
**Judge**