

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C.(A) No. 1709 of 2018**

Manish Kumar Agrawal S/o Premchand Agrawal Aged About 42 Years R/o Kotraroad, Kahar Gali, Raigarh, Police Station- City Kotwali, Raigarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through Station House Officer, Police Station- City Kotwali, Raigarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh.

**---- Respondent**


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For the Applicant : Shri Awadh Tripathi, Advocate.  
For the Respondent/State : Shri Adil Minhaj, P.L.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****08.01.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 1546 of 2018, registered at Police Station – City Kotwali, Raigarh, District – Raigarh, Chhattisgarh for the offences punishable under Sections 384 and 506 of the Indian Penal Code and Section 4 of the Protection Debt Act, 1937.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant according to the evidence collected in the investigation. Totally false allegation has been made against the applicant. The fact is that the

complainant had borrowed some money from the applicant regarding which the applicant has received a cheque in security. As the complainant has not refunded the said amount, then the applicant has produced the cheque for payment in the Bank and the cheque was bounced and the complainant who came to know about dishonour of cheque, to save himself from liability has lodged false FIR. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that in the statement made by the complainant he has clearly alleged that he had borrowed Rs.23,50,000/- from the applicant whereas, the complainant has realized about Rs.1,14,00,000/- and still the applicant is making further demand telling the complainant that the loan is still outstanding. The complainant has also produced the account of the amounts borrowed and refunded. Hence, the applicant is not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. Complainant – Manoj Kumar Yadav was working as a material supplier between the year 2011 to 2014. He had borrowed Rs.23,50,000/- from this applicant on interest. He has also stated that between the year 2011 to 2017 he has refunded Rs.1,14,00,000/- to the applicant and had asked for account statement. The applicant never produced the account of the amount borrowed. It is alleged on the date of incident that this applicant had abused and threatened the complainant for repayment of the outstanding loan. Hence, this case.

7. On perusal of the case-diary, it appears that all the accounts that have been produced is not signed by any of the parties and it needs verification and there is no such other document collected from the complainant with respect to the loan transactions as claimed by him. Hence, for these reasons, I am of the considered view that the applicant deserves to be released on anticipatory bail.

8. 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 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 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 them 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 him by the said Court till disposal of the trial.'

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge