

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1754 of 2018

- Amarnath S/o Shri Shambhuram Agrawal, aged about 38 Years, Occupation-Pahanawa Mens Wear, Raigarh, R/o Nayi Sadak Raigarh, Police Station And Tehsil Raigarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. Dheeraj Wankhede, Advocate.
For Respondent : Mr. Lav Sharma, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

25/01/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.1531/2018 registered at Police Station-City Kotwali, Raigarh(C.G.), for the offence punishable under Section 384 of the Indian Penal Code and Section 4 of Chhattisgarh Riniyon ka Sanrakshan Adhiniyam.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against him. There had been a money transaction between applicant and

complainant. The complainant with intent to escape from his liability to repay the amount borrowed by him from applicant has made totally false allegation against the applicant. In further development, the compromise has arrived at between applicant and complainant regarding which the copy of affidavit has been filed along with covering memo. The same affidavit has been filed before the Investigating Officer with a prayer to close the proceedings against the applicant. Hence, it is prayed that applicant may be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect and submitted that the case is made out for commission of offence against the applicant. However, it is submitted that it has been found on verification of the document filed, that during the pendency of investigation, the applicant and the complainant both have settled their dispute amicably.
4. Heard both the parties and perused the case diary.
5. Complainant Nitish Bhattacharya has lodged FIR alleging that he had borrowed Rs.2 lakhs from the applicant against which he has made repayment of Rs. 8 lakhs to the applicant but still he is demanding more amount. Hence, this case.
6. Considering the contents of case diary and the compromise arrived at between the parties, which has been verified by the Investigating Officer, I am of this view that present is a fit case where the applicant can be granted anticipatory bail.
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