

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 590 of 2020**

Krishna Rathore, aged about 31 years S/o Late B.L. Rathore R/o Rama Green City, Sarkanda, PS Sarkanda, Tehsil & Distt. Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through the Police Station, Sarkanda, Distt. Bilaspur (C.G.).

---- Respondent

For Applicant	:	Mr. Amit Kumar, Advocate
For Respondent	:	Ms. Hamida Siddique, Dy. Adv. General

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

10/08/2020

1. The matter is heard through video conferencing.
2. The applicant has filed this application under Section 438 of the Cr.P.C for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 289/2020 registered at police station – Sarkanda, Distt. Bilaspur (C.G.) for the offence punishable under Section 384 of the IPC and Section 8 of the Karza Act.
3. According to the case of the prosecution, Complainant Mritunjai had sought a loan of Rs. 25,000/- from the applicant on 27/09/2019. It is alleged that the applicant transferred Rs. 1,00,000/- in the account of the Complainant. When the Complainant asked the applicant in this regard, then Rs. 50,000/- was withdrawn by the applicant. After few days, the applicant sought interest Rs. 25,000/- from the Complainant

and for these reasons he extorted the Complainant. On the basis of complaint made by the Complainant, an FIR has been lodged on 17/03/2020.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated. Virtually, on 27/09/2019 due to some previous relationship with the applicant, the Complainant had sought a loan of Rs. 1,00,000/- from the applicant and loan amount was given by the applicant through account transfer. Thereafter, the Complainant issued a cheque to the applicant of Rs. 1,00,000/-, but ultimately the said cheque dishonoured. A notice in this regard was given by the applicant to the Complainant and later on a report was also lodged by the applicant on 15/02/2020. Whereas, the Complainant after receiving the notice made a false and fabricated report against the applicant. He further submits that the entire matter is transfer of money. Prima-facie no offence is made out against the applicant.
5. Learned counsel appearing on behalf of the State opposes the said application.
6. I have heard counsel for the parties.
7. Considering the facts and circumstances of the case, argument advanced by counsel for the parties and further going through the document annexed by the applicant, without further commenting on other merit of the case, I am inclined to extend the benefit of anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.10,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:
 - i. That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
 - ii. The accused/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. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - iv. 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.
10. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge