

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1891 of 2019

Vijay Golu Gavli S/o Kanhaiyalal Gavli Aged About 40 Years R/o In Front Of Sapre School, Budhapara, Raipur, District Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, Raipur, District Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. Anish Tiwari, Advocate.

For Respondent/State : Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

24/02/2020

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 445/2019, registered at Police Station City Kotwali, Distt. Raipur Chhattisgarh for the offence punishable under Section 384 of the IPC and Section 4 of the Loan Act.
2. As per prosecution story, on 23.09.2019, the complainant has filed a written complaint before the concerned Police Station alleging therein that in the year 2015, he has borrowed Rs. 60,000/- from the applicant and against the said borrowed amount, the complainant has returned Rs. 9,07,000/- with interest to the applicant inspite of that excessive payment, the applicant claiming more amount with the complainant and for which he threatened the complainant to kill and abduct his child. On the basis of said report, offence has been registered.
3. Learned counsel appearing on behalf of the applicant submits that

the applicant is innocent and has been falsely implicated in the present case due to some dispute with the complainant. He further submits that prima facie no case can be made out against the applicant. After lodging the FIR, the matter has been settled out of the Court between the parties and now the complainant does not want to take any action against the applicant. The Counsel finally submits that the applicant is the reputed persons of his society, he is a permanent resident of above mentioned address and there is no chance of his absconding, therefore, he may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary minutely.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that the matter has already been settled out of the Court between the parties. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent 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 accused/applicant shall made 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.

Sd/-

(Arvind Singh Chandel)
Judge