

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.629 of 2021

- Avinash @ Avnish Agnihotri, S/o Chandrika Prasad, aged about 40 years, R/o Village Ward No.25, Kundrubadi, Karbala Road, Thana-City Kotwali, District Bilaspur (CG).

---- Applicant

Versus

- State of Chhattisgarh, through the Police Station Sarkanda, Bilaspur, District Bilaspur (CG)

---- Non-applicant

For Applicant	:	Mr. Sanjay Agrawal, Advocate
For Non-applicant	:	Mr. Vimlesh Bajpai, Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

6/8/2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No.333/2021 registered at Police Station Sarkanda, Bilaspur (CG) for commission of offence punishable under Sections 3 & 4 of the CG Protection of Debtors Act, 1937 (Karja Act).
2. Case of the prosecution, in brief, is that Abhishek Gupta, brother of complainant, took hand loan of Rs.12,000/- from present applicant, but despite repayment of loan amount, present applicant was pressurizing Abhishek Gupta for more money, therefore, Abhishek Gupta has consumed poison. Report of incident was lodged by brother of Abhishek Gupta based upon which instant crime is registered against present applicant.
3. Mr. Sanjay Agrawal, learned counsel for applicant would submit that name of the Act has wrongly been mentioned in FIR, correct name is 'Chhattisgarh Protection of Debtors Act, 1937'. As per provisions of the Chhattisgarh Protection of Debtors Act, 1937, the offence under Section 3 is compoundable. He further submits that absolutely false allegations have been levelled against present applicant with

ulterior motive, hence present applicant be granted anticipatory bail.

4. On the other hand, Mr. Vimlesh Bajpai, learned Government Advocate for the State opposes the prayer for grant of anticipatory bail to present applicant and submits that there is specific allegation with regard to demand of excess money than what has been granted as loan to brother of complainant. Hence, applicant is not entitled for grant of anticipatory bail
5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegations and provisions of the Chhattisgarh Protection of Debtors Act, 1937, without commenting anything on merits, I am inclined to grant benefit of anticipatory bail to applicant.
7. Accordingly, this anticipatory bail application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question, he shall be released on anticipatory 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 Arresting Officer. Applicant shall also abide by the following conditions:
 - (i) that he shall make himself available for interrogation before Investigating Officer as and when required;
 - (ii) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him/her from disclosing such facts to Court or to any police officer;
 - (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that he shall appear before the trial Court on each & every date given to him by said Court till disposal of trial.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-