

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 885 of 2021

Satish Singh Thakur S/o Rameshwar Singh, Aged About 44 Years, R/o Village- Bahtarai Road, Pragati Vihar, Bilaspur, P.S. -Sarkanda, Tahsil and District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through The Police Station- Sarkanda, District- Bilaspur, Chhattisgarh.

--- Respondent

For Applicant	: Mr. P.K. Tulsiyan, Advocate.
For State	: Mr. Vimlesh Bajpai, GA.
For Complainant/Objector	: Ms.C.K.Nawrang, Advocate.

(Proceedings through video conferencing)
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

06/08/2021

Heard.

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.753/2021 registered at Police Station –Sarkanda, Distt Bilaspur, (CG), for commission of offence punishable under Section 420 of the Indian Penal Code and Section 3 & 4 of Madhya Pradesh/Chhattisgarh Protection of Debtors Act 1937, (Karja Act).
2. Case of the prosecution, in brief, is that complainant had taken hand loan of Rs.50,000/- from applicant at the rate of 10% interest per month. At the time of giving loan, applicant has taken two signed blank stamp papers and signed blank cheques of complainant. Complainant has paid more than Rs.50,000/- alongwith interest. Applicant has forcefully taken possession of Car bearing registration No.CG/11/3345 of complainant. Complaint was initially lodged on 28.02.2020, thereafter on 29.10.2020 second complaint raising similar allegation was also lodged before Superintendent of Police and further to Inspector General of Police on 12.01.2021. Based upon which, instant FIR is registered against applicant.

3. Learned counsel for the applicant submits that allegation levelled against applicant is absolutely false and baseless. In the year 2019, applicant has purchased a Car from wife of complainant Smt. Manju Sahu and on 10.05.2019 he has paid Rs.1 lac in advance. After paying balance amount of Rs.50,000/-, applicant has approached Smt. Manju Sahu on several occasions for getting the Car transferred in his name to which she denied, thereby applicant himself was cheated by Manju Sahu. Allegation of taking loan of Rs.50,000/- and handing over two blank stamp papers and blank cheques is absolutely false. No such transaction has been ever taken place between them. In the complaint, allegation is with regard to offence to be committed as registered under the Karza Act, there is no allegation of cheating levelled against applicant. Offence under Section 420 of IPC has been registered without there being any material. Hence, applicant may be extended benefit under Section 438 of Cr.P.C.
4. On the other hand, learned State Counsel opposes the submissions made by learned counsel for applicant and submits that complainant has lodged the complaint initially on 28.02.2021 making allegation that at the time of extending loan amount of Rs.50,000/- to him applicant has taken two signed blank stamp papers and three signed blank cheques. Applicant forcefully took possession of Car of complainant on the ground that Car will be returned after repayment of loan amount. Thereafter, complainant has lodged further complaint before IG on 12.01.2021. Referring to the statement of Smt. Manju Sahu recorded under Section 161 of Cr.P.C, he submits that there is allegation against applicant for preparing forged sale agreement on 10.08.2020. Hence, applicant is not entitled for grant of anticipatory bail.
5. Learned counsel for the Objector/Complainant submits that complainant has taken hand loan of Rs.50,000/- from applicant and at the time of taking loan amount handed over two signed blank stamp papers and signed blank cheques to applicant as security. She submits that complainant has already paid more

than Rs.50,000/- alongwith interest. Sale agreement is a forged documents prepared by applicant after lodging of complaint against him. It is prayed that applicant may not be released on anticipatory bail.

6. Heard learned counsel for the parties.
7. On 28.02.2020, complainant has lodged complaint for the first time making allegation of taking two blank stamp papers and two blank cheque in view of giving loan of Rs.50,000/-. Possession of Car owned by wife of complainant Smt. Manju Sahu was taken by applicant. Complaint lodged by present applicant against Smt. Manju Sahu is placed on record, in which it is mentioned that applicant has paid amount of Rs.1 lac in the year 2019 to complainant but there is no mention about taking possession of Car. It is also mentioned that sale agreement was executed on 10.08.2020 after accepting balance amount of Rs.50.000/- by Manju Sahu. The execution of sale agreement was denied by Manju Sahu in her statement recorded by the Police.
8. Considering the entire facts and circumstances of the case, nature of allegation levelled against applicant, submissions made by learned counsel for the parties, materials available in the case diary and on record, I do not find it to be a fit case to release applicant on anticipatory bail.
9. Accordingly, application is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-