

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1420 of 2020**

1. Mangat Singh Chawla And Another S/o Budh Singh Aged About 70 Years R/o Railway Station Road Sikh Mohalla, Mahasamund District- Mahasamund Chhattisgarh
2. Gurinder Singh @ Deepak S/o Mangat Singh Chawla Aged About 50 Years R/o Railway Station Road Sikh Mohalla, Mahasamund District- Mahasamund Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Mahasamund, District- Mahasamund Chhattisgarh

---- Respondent

For Applicants	:	Shri Amit Kumar, Advocate
For State	:	Shri Mateen Siddiqui, Dy.A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****04/03/2021**

Heard.

1. The applicants are apprehending their arrest in connection with Crime No.461/2020 registered at Police Station – Mahasamund, District – Mahasamund (CG) for alleged commission of offences under Section 384, 34 of IPC.
2. Prosecution case is that the applicant extorted Rs.10,000/- from the complainant on the threat that if he does not give money, cheques in deposit with them will be presented for being honoured.
3. Learned counsel for the applicants would submit that even according to the complainant, he had taken Rs.7,50,000/- loan from the applicant and instead of returning the amount, when the applicant insisted on repayment of loan amount, a false case was registered as the complainant has not returned the whole amount of loan advanced to him and in order to avoid criminal liability on bouncing of cheques.

4. On the other hand, learned State counsel submits that from the report, it is *prima facie* made out that even though the complainant had repaid the entire loan amount to the applicant, the applicants kept on extorting money by stating that if additional amount is not given, the blank cheques in deposit with them, will be deposited for being honoured knowing fully well that bouncing of cheques warrant criminal liability against the complainant.

5. From the perusal of the case diary and the material disclosed therein, the alleged repayment of loan of Rs.50,000/- is based on payment through account. However, the balance amount of Rs.2,50,000/- is alleged to have been paid by way of cash for which, no acknowledgment of receipt has been submitted by the complainant along with the complaint nor collected during investigation so far. Therefore, only that there is no material made available to the investigating authority by the complainant regarding payment of balance amount if any, possibility of false implication cannot be ruled out. Therefore, present is a fit case for grant of anticipatory bail.

6. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.20,000/- with one local surety for the like sum to the satisfaction of the arresting officer and he shall abide by all the following terms and conditions:-

- (i) that the applicants shall make themselves available for interrogation by a Police Officer as and when required;
- (ii) that they 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 them from disclosing such facts to the Court or to any Police Officer.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge