NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 1087 of 2021

1. Rajesh Ahuja S/o Shri Ramesh Ahuja, Aged About 41 Years.
2. Smt. Soumya Ahuja W/o Shri Rajesh Ahuja, Aged About 39 Years.
3. Vikas Ahuja S/o Shri Ramesh Ahuja, Aged About 46 Years.
4. Smt. Priya Ahuja W/o Shri Vikas Ahuja Aged About 46 Years.
5. Ramesh Ahuja S/o Late Pesumal Ahuja Aged About 69 Years.
6. Smt. Sushila Ahuja W/o Shri Ramesh Ahuja Aged About 65 Years.
   All are R/o B-80, Kavita Nagar, Raipur, Tehsil and District- Raipur, Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh Through-Police Station - Saraswati Nagar, Raipur, District- Raipur, Chhattisgarh.

--- Respondent

For Applicant	:	Mr. Manoj Paranjpe, Advocate with Shri Anshul Tiwari, Advocate.
For State	:	Mr. B.L. Sahu, PL.
For Objector/Complainant	:	Mr. Devershi Thakur, Advocate.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

23/09/2021

Heard.

1. Applicants have filed this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.127/2021 registered at Police Station – Saraswati Nagar, Raipur, District -Raipur, (CG), for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that in the year 2013-15 applicants have obtained loan from Cholamandalam Investment & Finance Company Private Limited. For security of loan amount they have mortgaged three plots measuring area 1000 sq ft each and accommodation constructed over it. Applicants failed to repay the loan amount as agreed. When officer of Bank went on site of mortgage property, he found that some other persons are in possession over it. Thereafter, report was lodged, based upon which, aforementioned crime is registered against applicants.
3. Learned counsel for the applicants submits that after registration of FIR applicant and Finance Company have entered into settlement as per scheme of Company. The Company agreed to accept repayment of loan amount in four

installments ie Rs.6,80,000/-, Rs.10,20,000/-, Rs.10,20,000/- & Rs.40,80,000/- to be paid on 19.08.21, 18.09.21, 18.10.21 and 18.11.21 respectively. Under the terms of one time settlement scheme, applicants have initially deposited Rs.6,80,000/- as first installment on 19.08.21. Thereafter on 22.09.21 transferred amount of Rs.5,20,000/- through RTGS and deposited cheque dated 22.09.2021 of Rs.5,00,000/- of Bank of Baroda against second installment. As applicants are repaying the loan amount as agreed between the parties, they may be enlarged on anticipatory bail. So that, they may be in position to deposit remaining installments.

4. Learned State Counsel opposes the submissions made by learned counsel for applicants and submits that from contents of FIR it is appearing that applicants are involved in commission of offence as alleged against them. Hence, they are not entitled for grant of anticipatory bail.

5. Learned counsel for the Objector/Complainant though opposes the submissions made by learned counsel for the applicants for grant of anticipatory bail, but admits that applicants and Finance Company have entered into settlement. Applicants have been granted time for repaying the loan amount in four installments of which first installment of Rs.6,80,000/- has been paid on 19.08.21. Deposit against second installment of Rs.5,20,000/- through RTGS and deposit of one cheque of Rs.5,00,000/- of Bank of Baroda is not disputed by him.

6. Heard learned counsel for the parties.

7. Considering the entire facts and circumstances of the case, nature of allegation levelled against applicants, the fact that after registration of FIR applicants and complainant agreed for settlement of repayment of loan amount in installments, out of which two installments said to be deposited by applicants and not disputed by the learned counsel for complainant, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicants.

8. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the crime in question, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Arresting Officer. The applicants shall also abide by the following conditions :

(i) that applicants shall make themselves available for interrogation before the investigating officer as and when required;

(ii) that applicants 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) that applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-