

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 753 of 2015

Jaikumar Biyar S/o Shri Foudar Ram Aged About 50 Years R/o Sector-03, Block-23,
Qt. No.39, Kashiram Nagar, Raipur, District - Raipur (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Police Station - Moudhapara,
Raipur, District - Raipur (Chhattisgarh).

---- Respondent

For Applicant	-	Ms. Fouzia Mirza, Advocate
For Respondent/State	-	Mr. R.K. Gupta, Dy. A.G.

Order On Board

20/08/2015

Heard.

1. This is second application for grant of anticipatory bail.
2. The applicant is apprehending his arrest in connection with Crime No.214/2011 registered at Police Station Moudhapara, Raipur, Distt. Raipur C.G.) for alleged commission of offence under Section 420, 467, 468, 471, 34 of IPC.
3. Learned counsel for the applicant submits that earlier this Court had rejected the application considering the stage of investigation at that point of time and the application was rejected at that stage. It is submitted that later on, the complainant Asha Verma has submitted in writing before the Bank as also before the Police Authority and she has shown in her affidavit that the entire amount which was alleged to have been withdrawn by the applicant, has been paid to her with interest and she has no grievance against the applicant and that she had made complaint on an apprehension that the applicant might have committed the offence and now she does not wish to press her complaint. It is also submitted that the other co-accused Indravati Biyar have already been granted anticipatory bail by this Court in the case of MCRC(A) No.439 of 2015. Therefore, in these chain circumstances, the applicant

may be granted anticipatory bail.

4. On the other hand, learned State counsel opposes prayer and submits that irrespective of stand, which is now being taken by complainant Asha Verma, the prima facie case makes out from the records is that while opening the account, photograph of Indravati Biyar was pasted and the joint account holder's name was that of complainant Asha Verma.

5. Taking into consideration the submission made by learned counsel for the parties, particularly taking into consideration that the complainant Asha Verma, herself, has stated in her affidavit, submitted before the Investigating Authority as also before the Bank that she does not want any action against the applicant, they have resolved their disputes and she has received entire amount with interest, the application is allowed.

6. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that he 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 from disclosing such facts to the 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 and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
Manindra Mohan Shrivastava

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