

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4319 of 2015

Hitesh Yadav S/o Late Jagdish Yadav Aged About 22 Years R/o Shitlapara, Kolihamar,
Police Station & Post Office - Gurur, District Balod Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Gurur District
Balod Chhattisgarh

---- Respondent

For Applicant	-	Shri Shivendu Pandya, Advocate
For Respondent/State	-	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/08/2015

Heard.

1. This is fifth application for grant of bail.
2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.173/2014, registered at Police Station Gurur, District-Balod (C.G.) for the offences punishable under Section 420 & 468 of IPC. The applicant has been arrested on 15.07.2014.
3. Case of the prosecution is that in the name of providing employment, the applicant has taken Rs.1,40,000/- from one Ved Kumar and Rs.1,95,000/- from one Lokesh Kumar Sahu.
4. Learned counsel for the applicant submits that because of certain disputes between the parties, the report was made leading to registration of offence. Before the Trial Court, Ved Kumar as well as Lokesh Kumar Sahu both have submitted affidavit and application that they have compromised the dispute with the applicant and the matter may be compounded. It is further submitted that out of 21 witnesses, only 12 witnesses have been examined and the

trial is not likely to conclude early. As the main complainant have already been examined and in view of the subsequent developments of moving of application under Section 320(2) of Cr.P.C. compounding of offence, the applicant may be granted bail.

5. On the other hand, learned counsel for the State opposes prayer for grant of bail and submits that looking to the amount involved in the case and a prima facie case of cheating, the applicant is not entitled to grant of bail.

6. Taking into consideration the subsequent developments, particularly that the application for compounding offence has been submitted before the Court below by both the complainants, who have made allegations against the applicant and that the applicant is in jail since 15.07.2014, the trial has not been concluded and number of witnesses are yet to be examined, the application is allowed.

7. Accordingly, it is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court. He shall appear before the Court below on the date as directed by the concerned trial Court, unless exempted from appearance.

Sd/-

Manindra Mohan Shrivastava

J U D G E

Rekha