

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1277 of 2015

1. Rahul Bhutda S/o Sohan Lal Bhutda Aged About 25 Years
Caste Maheshwari, R/o Village & Post Karhibhadar, Police
Station & Tahsil Balod, District Balod Chhattisgarh.
2. Ravi Bhutda S/o Sohan Lal Bhutda Aged About 28 Years
Caste Maheshwari, R/o Village & Post Karhibhadar, Police
Station & Tahsil Balod, District Balod Chhattisgarh.
3. Tikendra Kumar Sahu S/o Ramgopal Sahu Aged About 25
Years R/o Fagundah, Police Station & Tahsil Gurur, District
Balod Chhattisgarh. --- **Petitioners**

Versus

State of Chhattisgarh Through : Station House Officer, Police
Station City Kotwali, Balod, District Balod Chhattisgarh
---- **Respondent**

For the applicant : Mr. Hamida Siddiqui, Advocate.

For the Respondent : Mr. Ramakant Mishra, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.12.2015

1. Apprehending arrest in connection with Crime No. 476 of
2015 registered at Police Station City Kotwali, Balod Distt.
Balod, for the offences punishable under Sections 420/34 of
IPC the applicants have filed this applicant u/s 438 Cr.P.C.,
for grant of anticipatory bail.
2. This is second bail application. The first bail application i.e.,
MCRCA No.1083/2015 was dismissed on merits by order
dated 06.11.2015.
3. As per the prosecution case, one Devendra Sahu filed FIR
wherein he has stated that he has applied for the post of
Assistant Grade-III in Education Department and the
application was filed. Thereafter, he met Rahul Bhutda and
A-2 Ravi Bhutda, the present applicants and co-accused

Kamla Maheshwari. It was stated that A-1 Rahul Bhutda was the Chief Bureau of Hari Bhoomi Newspaper and Kamla Maheshwari was Sarpanch and they have good relations with the Government Officers and therefore, he would be absorbed in the job. Consequently in lieu of getting the job, an amount of Rs.5 lakhs was demanded by the applicants Rahul Bhutda & Ravi Bhutda. Subsequently out of that, Rs.2 lakhs was paid from the pension fund of his father and the other amount was borrowed from other persons and thus total Rs.5 lakhs was paid. Subsequently, he could not get the job and on demand of Rs.5 lakhs, he was assured but was not paid back. On 04.05.2015, a cheque for Rs.1 lakh was given by applicant Rahul Bhutda which was dishonoured. Thereafter, on contacted again, some amount was assured to be paid, however, Rs.10,000/- was paid in the account. Thereafter, a post dated cheque for Rs.3 lakhs was given by Rahul Bhutda and Ravi Bhutda which was dated 30.12.2015. consequently, it is stated that Rahul and Ravi Bhutda have cheated the complainant with the help of Tikendra Sahu.

4. Learned counsel for the applicants submits that subsequent to the rejection order dated 6.11.2015, the applicants have entered into compromise with the complainant Devendra Sahu and the entire amount has been returned to him and the complainant has filed an application before the Superintendent of Police, Distt. Balod wherein it is stated that they have compromised and the complainant do not want further action against the applicants and the proceedings be closed. The application is filed as Annexure A-4.
5. Learned State Counsel was directed to verify as to whether

such compromise has been effected or not. He submits that the compromise has been effected and the entire amount has been paid by the applicants and it is submitted that by letter dated 13.12.2015 the Police has communicated that the complainant has confirmed the fact that he do not want further action against the applicants.

6. In view of the fact that compromise has been effected between the complainant and the applicants and according to the complainant, the entire amount has be paid to him, I am inclined to release the applicants on anticipatory bail.
7. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting him on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the officer arresting them or the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that they shall make themselves available for interrogation before the investigating 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 him/her from disclosing such facts to the Court or any police officer;
 - (iii) that they shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
8. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE