

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5017 of 2016

Dr. Akhilesh Yadav, S/o. Late G. R. Yadav, Aged About 52 Years, R/o.
Qr. E.W.S. 405 Vaishali Nagar, Bhilai, Distt. Durg Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, P.S. Durg,
District Durg Chhattisgarh

---- Respondent

For Applicant	:-	Mr. Ashish Shrivastava, Advocate
For Respondent/ State	:-	Mr. Anil S Pandey, Govt. Advocate
For Objector	:-	Mr. Anurag Jha, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

17/08/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 140/2013 registered at Police Station- Durg- District Durg(C.G.) for the offence punishable under Sections 406 ,419, 420, 467, 468, 471, 120B of Indian Penal Code.
2. As per the prosecution case, on 31.07.2009 a sale agreement was executed between the wife of applicant and the complainant Anil Pandey and an amount of Rs. 9 lakhs was paid. It is alleged that instead of the photographs of wife of the applicant, photographs of some other lady was attached. Subsequently, another agreement was executed on 4.8.2009. Since the photographs of some other lady was attached, initially a report was filed by the complainant.

3. Learned counsel for the applicant would submit that subsequently the issue was settled between the applicant and the complainant Anil Pandey in the year 2011-12 and nothing remains survived. However, since the report was initially made by Anil Pandey as such the case is survived and the offence is said to have been committed and presently the matter having been settled, no issue is left to be adjudicated and the complainant has extended his support for the fact that the issue has been settled, therefore, he may be enlarged on bail.
4. Per contra State counsel as also counsel for the objector opposes the bail. Counsel for the objector submits that the issue has been settled between the parties two years back.
5. Considering the facts and circumstances of the case, and as has been stated that the issue has already been settled between the parties two years back, I am inclined to allow this bail application.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

C.C. Today.

Sd/-
(Goutam Bhaduri)
Judge

Rao/santosh