

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 918 of 2016

- Dr. Kundu Chiranjeevalu S/o Late K. Araiya Aged About 44 Years
R/o Shop No. 13, Zone 1 Market, Sector - 11, Khursipar, Bhilai,
Tahsil & District Durg Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh . Through : Police Station Chhawani, District
- Durg Chhattisgarh.
2. Gopi Shety Venkta Ramnarao S/o Late Bardheswara Rao Aged
About 47 Years R/o Kaleshwar Rao Road, Surya Rao Petha,
Vijaywada (Andhra Pradesh)

---- Respondent

For Applicant	:	Mr. B.P. Singh, Advocate
For Respondent No.1/State	:	Mr. Neeraj Jain, G.A.
For respondent No.2	:	Mr. Jitendra Gupta, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22-12-2016

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending his arrest in connection with Crime No. 110 of 2016 registered at Police Station Chhawani, District Durg (CG) for offence punishable under Sections 420, 467, 468, 471 of the IPC.
2. As per case of the prosecution, a report was made by respondent No.2 Gopi Shetty Venkata Ramana Rao that the applicant has taken an amount of Rs.23,70,000/- to get the daughter of respondent No.2 admitted through management quota in M.B.BS. Subsequently, the same has not been done, therefore, the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that there has been some monetary dispute in between the parties and the entire amount has been paid back and the parties have settled their financial dispute, therefore, no case is made out against the applicant, therefore, considering all the facts and circumstances of the case, benefit of Section 438 of Cr.P.C., may be extended to the present applicant.
4. Learned State counsel opposes the bail petition.
5. Learned counsel for the objector does not dispute the fact that monetary disputes in between the parties have been settled, therefore, he does not want to prosecute the claim.
6. I have heard learned counsel for the parties, perused the case diary and other documents.
7. Considering the facts and circumstances of the case, considering the fact that monetary disputes in between the parties have been settled and further considering the submissions of counsel for the applicant and counsel for the objector, I am of the considered opinion, *prima facie*, that it is a fit case where the benefit of Section 438 of the Cr.P.C., can be extended to the applicant.
8. Accordingly, the bail application filed under Section 438 of the Cr.P.C., is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:

- (i) that the applicant shall make himself available for interrogation before the Investigating Officer as and when required.
- (ii) that the applicant 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 the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicant 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/-
(Goutam Bhaduri)
Judge

Raju