

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3260 of 2016

- Anshul Chhimwal S/O Madan Mohan Aged About 31 Years R/O B 179, 2nd Floor, Shalimar, Bargan Extension 2, Ghaziabad, P.S. - Distt. Ghaziabad (U.P.)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Saja, Distt. Bemetara Chhattisgarh

---- Respondent

For Applicant : Mr. Vaibhav Shukla, Advocate

For Respondent/State : Mr. Neeraj Kumar Sharma, Dy.G.A/

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.07.2016

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 on 10-05-2016 in connection with Crime No. 246 of 2016, registered at Police Station Saja, District Bemetara (CG) for the offence punishable under Section 420, 34 of the IPC.
2. As per prosecution case, a report was made that the applicant in order to renew the policies of the complainant has received Rs.5,50,000/-, however the said policies were not renewed and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the complainant has compounded the offence, there has been some mistake in the account, therefore, the amount could not be paid earlier and now the complainant has received the entire amount from the applicant. He would further submit that the applicant is

in jail since 10-05-2016, therefore, the applicant may be released on bail as no objection has been preferred by the complainant.

4. The State counsel was directed to verify the fact that as to whether the complainant has compounded the offence. On verification, it is submitted that Rs.5,50,000/- has been received by the complainant from the applicant, therefore, no objection has been preferred by the complainant.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, and considering the statement of the complainant who has compounded the offence and also the fact that the charge-sheet has been filed, the applicant is in jail since 10-05-2016, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju