

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 696 of 2016

1. Sanjay Kumar Nayak, S/o. Shri Rishi Kumar Nayak, aged about 51 years, By Caste- Kurmi, R/o. Shanti Bihar Colony Daganiya, Raipur, Civil and Revenue District – Raipur (C.G.).

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, P.S. - Pithoura, Civil & Revenue District – Mahasamund (C.G.)

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent/State : Ms. Shobha Kashyap, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/09/2016

1. Apprehending arrest in connection with Crime No.182/2015 registered at Police Station- Pithoura, District – Mahasamund (C.G.), for offence punishable under Section 420/34 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a report was made by one Munuram Bariha alleging that in order to get a job, the complainant had paid Rs.2,50,000/- to Devnand Jalkshatri and Basanti Maltri on the ground that the present applicant, who is the husband of Basanti Maltri is known to the officers of Mantralaya, thereby, the son of and niece would get job. Subsequently, the job was not provided and the cheque which was given was bounced. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that presently, the compromise has been affected between the complainant and the applicant and an amount of Rs.2,50,000/- has been returned to the

complainant, therefore, the applicant may be extended the benefit of Section 438 of Cr.P.C.

4. The State counsel was directed to verify this fact and a report is enclosed in the case diary which also records the statement of Kamlesh Bariha, Munuram Bariha, Chandrika Bariha and Gajendra, wherein it is stated that compromise has been affected between the complainant and the applicant/accused and Rs.2,50,000/- has been returned and no grievance exists.
5. Taking into such documents and the facts and circumstances of the case, this Court is inclined to extend the benefit of anticipatory bail to the applicant, as no custodial interrogation may be required in this case.
6. Accordingly, the anticipatory bail application 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 executing a personal bond in sum of Rs.25,000/- with one 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) that 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