

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4233 of 2017**

- Kaushal Kishore S/o Ashok Singh, Aged About 20 Years R/o G. T. Road Indirapuram, Police Station Indirapuram District Gajiyabad Uttar Pradesh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Ambagarh Chowki, District Rajnandgaon Chhattisgarh (Wrongly Mentioned As District Government Advocate (Criminal) Rajnandgaon

---- Respondent

For Applicant	:	Shri Devesh Chandra Verma, Advocate
For Respondent-State	:	Shri Anupam Dubey, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****24/11/2017**

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 06.03.2017 in connection with Crime No. 12/2017 registered at Police Station Ambagarh Chowki, District Rajnandgaon (CG) for the offence punishable under Section 420/34 of the I.P.C.
2. As per the prosecution case, a complaint was made by the complainant Bisahu Das Sahu that he received a phone call from a person and he was offered to install tower on his open land. Further in respect of such installation of tower by the company different amount under the different heads were asked by the applicant and others which were deposited by the complainant in the account of the different persons as suggested and total amount of Rs.05,25,100/- was deposited. Subsequently, it was revealed

that the present applicant along with the other has committed the fraud.

3. Learned counsel for the applicant submits that a compromise has been effected in between the parties and the offence under Section 419 & 420 of the I.P.C. has been compounded, whereas the offence under Sections 467, 468, 471 & 120-B of the I.P.C. is still pending. He further submits that nothing has been said against the present applicant and the identity of the applicant has also not been established. He placed on record the statement and the order of compromise dated 13.10.2017 under Section 419 & 420 of the I.P.C.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that for the offence under Sections 419 & 420 of the I.P.C. the compromise has been effected between the parties.
5. I have perused the order-sheet dated 13.10.2017. Considering the facts of this case and the fact that the order-sheet in this case has been filed and the applicant is in jail since 06.03.2017, I am inclined to release the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri

Judge

Ashu