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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 743 of 2017**

Radheshyam Shrivastava S/o Shri Balram Prasad Shrivastava, Aged About 37 Years Pranaydutt Sharma, R/o Ganiyari, Tahsil Takhatpur, Police Station Kota, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer Police Station Civil Lines, District Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Ms. Sharmila Singhai, Advocate.
For the Respondent/State	:	Shri O.P. Sahu, G.A.
For the Objector	:	Shri Dheerendra Pandey, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.11.2017**

1. Heard on I.A. No. 2 of 2017, an application for urgent hearing.

Considering the reasons mentioned therein, the application is allowed.

2. Also heard on application under Section 438 of the Code of Criminal Procedure, 1973.

3. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 485 of 2017 (wrongly mentioned in order sheet as 465 of 2017), registered at Police Station – Civil Lines, Bilaspur, District – Bilaspur, Chhattisgarh for the offences punishable under Section 420/ 34 of the Indian Penal Code.

4. It is submitted by counsel for the applicant that the offence under Section 420/ 34 of the IPC has been registered against the applicant which is a compoundable offence. The applicant and the complainant have entered into a compromise and resolved their dispute. Consequent to that, the applicant is required to be present before the trial Court to compound the offence. Hence, for these reasons, the applicant be benefited with grant of anticipatory bail.

5. Learned State counsel opposes the bail application and the submissions made in this respect, although, it is submitted that the statement of compromise made by the applicant has been verified and found to be true. The report of the said concerned police station alongwith the documents have also been submitted. Hence, it is prayed that the applicant is not entitled for grant of anticipatory bail.

6. Shri Dheerendra Pandey, Advocate appearing on behalf of the complainant submits that the complainant has willingly entered into compromise with the applicant and the complainant has no objection if the applicant is granted anticipatory bail.

7. Heard counsel for both the parties and perused the case diary.

8. The facts of the case are that the applicant and one another induced complainant - Shabbir Mohammad saying that they can arrange an employment for his sister and received Rs.13,00,000/- when no job could be arranged and on demand made by the complainant no refund was made by the applicants, the FIR was lodged.

9. Considering the submissions made by the applicant and the complainant in this case about the compromise arrived at between the parties, I am of the considered view that in this case the applicant deserves to be enlarged on bail.

10. 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. He 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 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge