

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 75 of 2017

- Gaurav Shrivastav S/o Shri Ashok Shrivastav Aged About 35 Years
R/o 08 Adarsh Marg, Sarvoday Nagar, Indira Nagar, Police Station
Gaajipur, District Lucknow, Uttar Pradesh. --- **Applicant**

Versus

- State of Chhattisgarh through the Station House Officer, Police
Station Kahiragarh, District Rajnandgaon, Chhattisgarh. **Respondent**

For the applicant	:	Mr. B. D. Guru, Advocate
For the Respondent	:	Mr. Aupam Dubey, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30.01.2017

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.128/2016 registered at Police Station Khairagarh, Distt. Rajnandgaon (C.G) for the offence punishable under Sections 420, 120-B and 34 IPC.
2. As per the prosecution case, the applicant allured complainant Ajay Kumar Surana to get a return with high rate of interest on investment in the Insurance. Ultimately different amounts were transferred on instructions of phone call and the amounts were deposited in Prudential Services India Ltd., which was owned by the present applicant. Subsequently the amount was withdrawn and the total amount was found to be more than Rs.13 lakhs.
3. Learned counsel for the applicant would submit that this is second bail application; the earlier bail petition was dismissed on 19.09.2016 and subsequently some

compromise has been effected between the applicant and complainant and the trial Court by order dated 30.11.2016 has permitted to compound the offence and accordingly the applicant has been acquitted of the charge u/s 420 IPC and now only the offence of conspiracy u/s 120-B remains, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he is not able to dispute the fact that the offence u/s 420 IPC has been allowed to be compounded by the trial Court.
 5. Considering the facts and circumstances of the case especially the fact that the application for compromise has been entertained and the applicant has been acquitted by the trial Court with respect to the offence u/s 420 IPC , I am inclined to allow this bail application.
 6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court till disposal of the trial.
- C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**