

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2809 of 2017

- Sunil Kumar Patel S/o Maksudan Patel Aged About 32 Years R/o Qaurter No. 6/d, B-Pocket, Maudounda Sector Bhilai, Tahsil And District Durg Chhattisgarh --- **Applicant**

Versus

- State of Chhattisgarh through the District Magistrate, Police Station Nevai, District Durg Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Mr. Jitendra Gupta, Advocate.
For the State	:	Ms. M. Asha, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.05.2017

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. 202/2016 registered at P.S. Nevai, Distt. Durg (C.G) for the offence punishable under Sections 420, 467, 468, 471 read with section 34 of IPC.
2. As per the prosecution case, a report was made by one Rajesh Kumar on 13.07.2016 that the present applicant and other co-accused in order to provide job in N.M.D.C. Steel Plant, Jagdalpur had obtained Rs.50,000/- in the month of August, 2015 in the presence of grand father of the complainant. Subsequently Rs.10,000/- was obtained in the month of Sept. 2015 from the complainant by showing duplicate appointment letter to him. Thereafter when the job could not be provided, a report was made stating that fraud has been committed.
3. Learned counsel for the applicant submits that the the first bail application was dismissed on 09.01.2017 as withdrawn and thereafter certain amount has been returned to the complainant and compromise has been effected between the parties which would be evident from the application dated 22.03.2017. He

further submits that the charge sheet has been filed; applicant is in jail since 14.07.2016 and no further investigation is necessary, therefore, the applicant may be enlarged on bail.

4. On the other hand, learned State Counsel opposes the prayer for grant of bail. However, she do not dispute the fact that in the instant case only one complaint is there and the compromise appears to have been reached between the complainant and applicant.
5. Perused the case diary documents as also the application filed u/s 320(1) of Cr.P.C., which is placed on record wherein it is stated that mutual compromise has been entered between the parties and the complainant do not want to proceed against the applicant.
6. Considering the fact that application has been filed before the JMFC, Durg u/s 320(1) Cr.P.C., wherein it is stated that mutual compromise has been entered between the parties and the complainant do not want to further proceed against the applicant, I am inclined to release the applicant on bail.
7. Accordingly, this bail application is allowed and it is directed that the applicant shall be released on bail on his furnishing a bail bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court for his appearance before the said Court as and when directed by the said Court.

Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**