

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4725 of 2017

1. Laxman, S/o. Shri Jhagru Udiya, Aged About 34 Years, R/o. Zone-2, Jhoperpatite PMI Charoda, Police Station- GRP Charoda, District- Durg, Chhattisgarh.
2. M. Ramarao, S/o. Late Shri M. Chandrashekhar, Aged About 39 Years, R/o. Zone-2, Charoda 290, D.K. Bajju Jhopdi, Police Station GRP Charoda, District Durg, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- Bhilai Nagar, District Durg, Chhattisgarh.

---- Respondent

For Applicants : Mr. Nishi Kant Sinha, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30.08.2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.139/2016 registered at Police Station- Bhilai Nagar, District Durg (C.G.) for the offence punishable under Section 420, 467, 468, 470, 471/34 of Indian Penal Code. The first bail application was dismissed on 22.06.2016.
2. Case of the prosecution, in brief, is that the applicants in order to provide job in Police Department obtained different amounts from the complainants, however, the job could not be provided as such initially the report was made on 20.01.2016 by the four persons namely Soman Lal Gayakwad, Chetan Lal Gayakwad, Jitendra & Nikhil Chandra. Subsequently, the FIR was lodged on 01.03.2016 by Soman Lal Gayakwad; thereby the offence has been committed.

3. Learned counsel for the applicants would submit that Soman Lal, Chetan Lal & Jitendra Kumar have deposed before the Court that they had entered into compromise. He further submits that Firoj Kumar, Nikhil Chandrakar & Bundeshwar have sworn affidavit that they had entered into compromise; thereby the entire offence of 420 has been compounded since the money has been returned, as it was a monetary transaction. Therefore, the applicants may be enlarged on bail.
4. Learned State counsel was earlier directed to verify the affidavits of the complainants filed by the applicants. On verification, it is submitted that the complainants have sworn the affidavit, which was on record.
5. Perused the case diary, affidavits and documents. It appears that the complainants and witnesses have entered into compromise. Considering the same and taking into pretrial detention of the applicants as they are in jail since 03.03.2016, without any observation on merit, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge