

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 576 /2017

Rajesh Kumar Sahu, S/o. Munnulal Sahu, Aged About 38 Years, R/o. Ward No.3, Santoshi Nagar, Gariyaband, Police Station- Gol Bazar, District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station - Golbazar Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Smt. Fouzia Mirza, Advocate.
For Respondent : Shri Sangharsh Pandey, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23.08.2017

1. Apprehending arrest in connection with Crime No.49/2016 registered at Police Station- Golbazar, Raipur, District Raipur (C.G.) for the offence punishable under Section 420 & 34 of Indian Penal Code, the applicant has preferred this second bail application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail. The first bail application was dismissed on 02.09.2016 in MCRC(A) No.720 of 2016.
2. Case of the prosecution, in brief, is that a report was made against the applicant and the other co-accused Laxmikant that present applicant alongwith co-accused Laxmikant allured different persons in order to provide them government job and total amount of Rs.9 Lakhs were recovered from Lalit Kumar, Sanjay Kumar & Dukalu Ram, further no job was provided. Therefore, the offence has been committed.
3. Learned counsel for the applicant would submit that after rejection of the first bail application, compromise has been affected and the entire amount of Rs.9 Lakhs has been paid to three victims, 3 Lakhs each, and they have compromised the case and affidavit has

been executed, which is placed as Annexure A-2; therefore, the applicant may be enlarged on anticipatory bail.

4. Learned State counsel was directed to verify the same. After verification, learned State counsel would submit that as per the report, the complainants themselves were present and stated that entire money has repaid by the applicant and thereby the affidavit was executed.
5. Perused the case diary, documents & affidavit. Considering the same, I find it to be a fit case where the benefit of Section 438 of Cr.P.C. can be extended to the applicant.
6. 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 furnishing a personal bond to a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant 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/her 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.

Certified copy, as per rules.