

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 739 of 2017

1. Tilak Ram Yadav S/o Shiv Ram Yadav, Aged About 23 Years R/o Village Uchchbhatti, Police Station Sipat, District Bilaspur, Chhattisgarh.
2. Trilochan Yadav, S/o Shiv Ram Yadav, Aged About 26 Years R/o Village Uchchbhatti, Police Station Sipat, District Bilaspur, Chhattisgarh. --- **Petitioners**

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Sarkanda, District Bilaspur, Chhattisgarh. -- **Respondent**

For the applicants : Mr. Devesh Chand Verma, Advocate.
For the State : Mr. Ramakant Pandey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.12.2017

1. Apprehending arrest in connection with Crime No. 177 of 2017 registered at Police Station Sarkanda, Distt. Bilaspur (C.G) for the offences punishable u/ss 384 & 365 of IPC, the applicants have filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a report was lodged by one Yugal Kishre Sahu on 07.03.2017 that he had obtained loan from the present applicants, part of it was returned and subsequently in order to pressurize him, he was forcibly taken and was confined and the amount was demanded thereby the offence has been committed.

3. Learned counsel for the applicants would submit that the applicants and the complainant are friends and after the incident arose out of monetary transaction, the complainant has given a letter to the Police Station wherein it is stated that the complainant and applicants have compromised and he do not want any further action against the applicants from the stage of his report, therefore, in view of such letter of complainant, the applicants may be enlarged on anticipatory bail.
4. Per contra, learned State Counsel opposes the prayer.
5. Perused the case diary, which also contains a letter and compromise petition of the complainant wherein prima facie, it shows that the complainant has stated that they have amicably settled the monetary issue. Considering the facts and circumstances of the case, I am inclined to allow this bail application.
6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- each with one surety each in the like sum to the satisfaction of the officer arresting them or the concerned Investigating Officer. The applicants shall also abide by the following conditions :-
 - (i) that they shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that they 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 any police officer;

- (iii) that they shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

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