

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C (A). No. 124 of 2018

- Deepak Devdas S/o Ramkishun Devdas Aged About 38 Years
R/o Gurur, Police Station And Tahsil Gurur District Balod
Chhattisgarh, District : Balod, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Station Gurur, District Balod Chhattisgarh, District : Balod,
Chhattisgarh.

---- Respondent

For the applicants : Mr. P. P. Sahu, Advocate

For the Respondent/State : Mr. Anupam Dubey, GA.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13.04.2018

1. Apprehending arrest in connection with Crime No.05/2018
registered at Police Station- Gurur, District – Balod (C.G.), for
offence punishable under Sections 420, 34 of the Indian
Penal Code, the applicant has preferred this application for
grant of anticipatory bail.
2. The compromise has been entered between the complainant
and the present applicant in this case, in which the applicant
has returned all the amount to the complainant and the copy
of the receipt has filed along-with affidavit before this Court. It

is submitted that the transaction between the complainant and this applicant was a simple money transaction, hence, no case is made out against this applicant, hence, the counsel prays that, the applicant may be extended the benefit of anticipatory bail.

3. Learned counsel for the State opposes the bail application and submits that according to the evidence present in the case diary no case is made out for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary.
5. According to the FIR the applicant and the co-accused person induced the complainant that they can arrange for the job for complainant as computer operator in government department, for which the complainant shall be required to pay an amount of 50,000/- and on that inducement the complainant has paid the said amount, but job could not be procured for him. On demand of refund made by complainant, a cheque was issued by this applicant, which was dishonored by the Bank. Subsequent to that the FIR has been lodged against him. Hence, this case.
6. Considering the submissions and contents of the case diary, looking to facts and circumstances of this case and also perusal on the statement of compromise of the parties, which is produced before this Court, I am of this view that applicant should be extended the benefit of Section 438 of the Cr.P.C.
7. 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 executing a personal bond in 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.

Sd /-

(Rajendra Chandra Singh Samant)

Judge

Jamal