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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 173 of 2018

- Yogesh Bagde S/o Late Shri Chaitram Bagde, Aged About 36 Years, R/o Village Post Manpur, Police Station and Tahsil Manpur, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Manpur, Civil and Revenue District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant – Shri Pushpendra Kumar Patel, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Shri Manoj Kumar Jaiswal, Advocate for the complainant.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

27-04-2018

1. Apprehending arrest in connection with Crime No.43/2017, registered at Police Station – Manpur, District Rajnandgaon, Chhattisgarh for offence punishable under Section 294, 506, 323, 456, 354-A of the IPC, the applicant has preferred this application for grant of anticipatory bail. This is second bail application filed by the applicant under Section 438 of the Cr.P.C. for grant of anticipatory bail. His first anticipatory bail application, i.e., MCRCA No.638/2017 was decided on merits and the same was rejected vide order dated 23-08-2017 by coordinate Bench of this Court.

2. It is submitted by the learned counsel for the applicant, that presently there is change in circumstances that the applicant and the victim in this case have settled their dispute. Victim Smt. Priyanka Bagde is, in fact, ex-wife of this applicant who has given affidavit in favour of this applicant, in which, she has clearly stated that she does not want to pursue the litigation against this applicant and wants to compromise and she has no objection if the applicant is released on bail. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the non-applicant/State opposes the application.
4. Learned counsel on behalf of the complainant submits that the complainant has no objection if the applicant is granted anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary.
6. After rejection of the first application for anticipatory bail by previous order where the said application was decided on merits, the merits of the case is not to be considered in the present application, but there is present development of circumstances that has taken place in which this applicant and the complainant have compromised the dispute and intend to resolve the dispute, hence, this change in circumstances can be taken notice of. Hence, for this reason, I feel inclined to allow this application filed by the applicant for grant of anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil