

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 771 of 2018

- Pawan Kumar Jangde S/o Ramlal Aged About 41 Years R/o New Risda, Ambedkar Chowk , Bhardapara , Balco Nagar, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Kharsiya, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Awadh Tripathi, Advocate.
For Respondent	:	Mr. Anupam Dubey, Dy. Govt. Advocate.
For Objector	:	Mr. Manoj Kumar Jaiswal, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

19/09/2018

1. This is the second bail application of the applicant filed under Section 438 of CrPC. His first bail application was dismissed in MCRCA No.642 of 2017 vide order dated 15.11.2017.
2. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.190/2017 registered at Police Station- Kharsiya, District – Raigarh(C.G.), for the offence punishable under Section 420 of the Indian Penal Code (for short 'IPC').

3. Learned counsel for the applicant submits, that applicant is innocent and has been falsely implicated in the crime in question. The dispute arose on account of some misunderstanding between the applicant and the complainant. The applicant has entered into a compromise with the complainant and the bank draft of Rs.5 lakhs has been returned back to the complainant, which is also evident from the statement of applicant's wife recorded by the Registry of this Court. Under these circumstances, it is prayed that the applicant may be granted anticipatory bail.
4. Learned counsel for the respondent/State opposes the application and submissions made in this respect.
5. Adopting the arguments advanced by learned State Counsel, it is submitted by learned counsel for complainant that both the parties have compromised and settled their disputes, hence, he has no objection if anticipatory bail is granted to the applicant.
6. Heard both the parties and perused the case diary.
7. It is alleged that earlier application for grant of anticipatory bail bearing MCRC(A) No.642/2017 was dismissed on merits by this Court on 15.11.2017. Subsequent to that the development that has taken place has been brought before this Court and the complainant also confirms about compromise that has taken place between the applicant and the complainant.
8. Looking to the facts and circumstances of this case, I am of this view that this is a fit case where the applicant should be enlarged on anticipatory bail.
9. Accordingly, the anticipatory bail application of applicant 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 his executing a personal bond in the sum of Rs.25,000/- each 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