

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 222 of 2019**

Mohit Jatwar, S/o. Bhagwat Prasad, Aged About 30 Years, Occupation News Reporter, Mungeli, R/o. Ratiyapara, Tehsil Lormi, District Mungeli Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : the Station House Officer, Police Station Lormi, District -Mungeli Chhattisgarh.

---- Respondent

For Applicant	: Mr. Soumitra Kesharwani, Advocate on behalf of Mr. Awadh Tripathi, Advocate
For Respondent/State	: Mrs. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****26/03/2019**

1. Apprehending arrest in connection with Crime No.306/2018, registered at Police Station – Lormi, District – Mungeli (C.G.) for offence punishable under Section 384, 34 of the Indian Penal Code, the applicant has preferred this second bail application for grant of anticipatory bail. The first bail application for grant of anticipatory bail was rejected on merits vide order dated 10.12.2018 in M.Cr.C.(A) No.1504/2018.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. It is submitted that new development that has taken place is this that the applicant and the complainant both have compromised and settled their dispute. Therefore, the complainant has given an application in the police station praying for withdrawal of the complaint against the applicant. Copy of the said application for withdrawal has been filed

along with covering memo. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that earlier bail application has already been rejected on merit. Apart from that the complainant is not in position to withdraw the complaint as there is provisions in the Cr.P.C. in this regard. However, it is submitted that on verification from the concerned police station, a report has been received along with the statement of the complainant himself that he wishes to withdraw the complaint against the applicant on the ground of compromise and settlement of dispute.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Earlier, the application for grant of anticipatory bail has been rejected on merits, therefore, there is no need to consider the application on merits at this stage. The new development that has taken place that compromise has taken place between the applicant and the complainant, which has been verified by the respondent side, therefore on this ground alone, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
6. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
7. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram