

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 284 of 2019**

S.V.V.R. Shashtri, S/o. S.N. Vishwanath, Aged About 46 Years, R/o. Qtr. No. 9/A, Street- 12, Sector-7, Bhilai, Tahsil and District Durg Chhattisgarh.

----Applicant**Versus**

1. State of Chhattisgarh, Police Station Sector -6, Kotwali – Bhilai, District – Durg (C.G.)
2. District Magistrate Durg, District Durg Chhattisgarh.

---- Respondents

For Applicant	: Mr. Ganesh Burman, Advocate
For Respondents/State	: Mr. Aadil Minhaz, P.L.

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

1. Apprehending arrest in connection with Crime No.38/2017, registered at Police Station – Sector-6 Kotwali, Bhilai, District – Durg (C.G.) for offence punishable under Section 420, 34 of the Indian Penal Code, the applicant has preferred this bail application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Transaction between the applicant and the complainant was bonafide. Subsequent to lodging of FIR, the applicant has entered into the compromise with the complainant and all the amount received by the applicant has been refunded to him. Therefore, no case is made out. Hence, 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

police have enquired and submitted report that the applicant and complainant both have compromised and settled their dispute.

4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The allegation against this applicant is this that he received Rs.15,48,000/- from the complainant by way of inducement given that he will help him to get allotment of gas agency. Thereafter, neither the gas agency was provided to him nor the amount has been refunded to the complainant.
6. Considered the submissions made and the contents of the case diary. Considering the facts and circumstances of the case and further considering the fact that compromise has taken place between the applicant and the complainant, which has been verified by the respondent side, hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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