

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 330 of 2019

- Mayank Pandey S/o Late Shri C.S. Pandey Aged About 52 Years, R/o Ghanshyam Homes, B/602, Vyapar Vihar, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through SHO, P. S. Tarbahar, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Dr. N.K. Shukla, Senior Advocate with Shri Achyut Tiwari, Advocate.

For Non-applicant/State – Shri Arun Shukla, Govt. Advocate.

Shri S.S. Baghel, Advocate for the objector/complainant.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-03-2019

1. Apprehending arrest in connection with Crime No.40/2017, registered at Police Station – Thana- Tarbahar, District- Bilaspur, Chhattisgarh for offence punishable under Section 420, 467, 468, 471, 120, 34 of the IPC, the applicant has preferred this application for grant of anticipatory bail. This is second application filed by the applicant before this Court under Section 438 of the Cr.P.C for grant of anticipatory bail. His earlier application, MCRCA No.504 of 2018 has been rejected on merits on 24-10-2018. But, in the later on development, on the basis of compromise with the complainant this application has been brought.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant and the complainant both have compromised and settled their dispute. The complainant is present before this Court to make statement in this respect and also that the parties want to compound the offence before the Court, therefore, on this ground it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that as the earlier application has been rejected on merits,

therefore, this application is not maintainable.

4. Heard learned counsel for the parties and perused the documents.

5. Complainant Dharmendra Singh who has been identified by counsel appearing for him, Shri S.S. Baghel, Advocate, has stated that he has been compensated for his loss by the applicant and he has also entered into a compromise with him and intends to compound the offence against the applicant.

6. Only on the basis of new development that has taken place in the prospect of compromise and composition of offence in this case, I feel inclined to allow this application.

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