

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 653 of 2019**

Anish Sharma, S/o. Shri Sukhdev Sharma, Aged About 27 Years, R/o. Plot No. 246, Laxmi Nagar, Risali, Police Station - Newai, Tahsil and District Durg Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station - City Kotwali, Durg District Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shikhar Bhaktiyar, Advocate
For Respondent	: Mr. I. Lakda, Dy.G.A.
For Complainant	: Mr. Vikash Shrivastava, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/05/2019**

1. Apprehending arrest in connection with Crime No.59/2018, registered at Police Station – City Kotwali, Durg, District – Durg (C.G.) for offence punishable under Section 420, 467, 468, 471 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 is rejected on merits vide order dated 05.03.2019 in M.Cr.C.(A) No.266 of 2019.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present in the case diary. It is submitted that this second bail application has been brought on the ground that the complainant and the applicant both have entered into compromise and complainant himself is present before this Court to make a statement of no objection for grant of

anticipatory bail. Therefore, it is prayed that the applicant may be granted 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 already earlier bail application of the applicant has been rejected on merits, therefore, only on the ground of compromise his application should not be entertained.
4. Complainant Santosh Tiwari represented through Mr. Vikash Shrivastava is present before this Court and he has made a statement that he has received Rs.5.00 lakhs from the applicant and for the remaining amount, he has received post dated cheque according to the terms of compromise that has taken place between them. He has also stated that he has no objection in grant of anticipatory bail to the applicant.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. As the earlier application has been decided on merits, therefore, this consideration will be only on the ground of compromise that has taken place between the parties in this case. As the complainant himself is present before this Court and to make a statement of no objection, therefore, 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