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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 809 of 2019**

Biswa Ogre S/o Shri Kunjbihari Ogre, Aged About 41 Years R/o Village Piparmati, Police Station - Pandatarai, Tahsil - Pandariya, District - Kawardha (Kabirdhaam) Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through - Station In-Charge, Police Station - Pandatarai, Tahsil - Pandariya, District - Kawardha (Kabirdhaam) Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh.

---- Respondent

For the Applicant	:	Shri R.R. Soni, Advocate.
For the Respondent/State	:	Shri Adil Minhaj, P.L.
For the Objector	:	Shri Ajeet Kumar Yadav, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****18.07.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the second bail application of the applicant. The first bail application was dismissed on merits by this Court in M.Cr.C.(A) No. 486 of 2019 vide order dated 10.4.2019. The applicant who is apprehending arrest in connection with Crime No. 24 of 2019, registered at Police Station – Pandatarai, Tahsil Pandariya, District Kabirdham, Chhattisgarh for the offence punishable under Section 420 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. It is further submitted that in the later on

development, a compromise has taken place between the applicant and the complainant. As the applicant has refunded all the money received from the complainant, the complainant filed an application making a statement of no objection alongwith the documents of compromise. However, the applicant has also appeared before this Court and his statement has been recorded by the Registry. Under this change of circumstances, the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Learned counsel for the Objector/ complainant submits that the complainant has no objection if the applicant is granted anticipatory bail.

6. Heard counsel for both the parties and perused the case diary.

7. The earlier application has been dismissed on merits. Subsequent to that, the development that has been noticed is that the complainant himself has appeared before the Court and made a statement regarding compromise and he has no objection if the applicant is granted anticipatory bail. Hence, for these reasons, I feel inclined to grant anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application 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 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. He 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 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