

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1610 of 2018**

Rajesh Kumar Nayak S/o Shri Paras Ram Nayak Aged About 39 Years R/o Village Sarkanda ,police Statiojn Basna District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through District Magistrate ,district Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicant : Shri Ashish Shrivastava, Advocate.
For the Respondent/State : Shri Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.01.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 36 of 2018, registered at Police Station – Mulmula, District – Janjgir-Champa, Chhattisgarh for the offences punishable under Section 420 read with Section 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. In fact, the transaction between the applicant and the complainants was a simple money transaction regarding which,

totally a false allegation has been made by the complainants only for the purpose of creating pressure and realising the borrowed amount. In the present development, the applicant and the complainants both have entered into a compromise and now they have resolved their disputes. In this regard, a photocopy of the agreement on stamp is also attached with this application. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the agreement dated 8.8.2018 between the applicant and the complainants has been verified by the police in which the complainant has given statement in favour of compromise.

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

6. According to the case-diary, it is alleged that this applicant had given inducement to the complainants that he will get them appointed to the job of Public Health Care Workers in Jaishree Ram Education Society. Against this inducement, he obtained Rs.1,97,000/- from each of the complainants as training fees and other expenses etc. As the complainants could not get any appointment to the job, they have lodged FIR.

7. Considered the entire material present in the case-diary and also considered on the agreement between the applicant and the complainants in which the complainants have expressed no objection for grant of anticipatory bail, which has been verified by the Investigating Officer. Hence, for these

reasons, I am of the considered view that the applicant deserves to be released on anticipatory bail.

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. 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 them 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