

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1409 of 2019**

- Arun Jaiswal S/o Shri Balram Jaiswal Aged About 45 Years R/o Village And Post Beltara, Police Station Ratanpur, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Tikrapara, District Raipur Chhattisgarh.

---- Respondent**AND****MCRCA No. 1771 of 2019**

- Smt. Ruby Sahu W/o Late Shri Mahavir Sahu Aged About 45 Years R/o In Front of Kali Mata Mandir, Santoshi Nagar, District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through S.H.O., P.S. Tikrapara, District Raipur, Chhattisgarh.

---- Respondent

For Applicants	: Shri Achyut Tiwari, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.
For Objector	: Shri Amiyakant Tiwari, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****21/11/2019**

Heard.

1. Since both cases arise out of same Crime No., therefore, they are

being disposed of by this common order.

2. The applicants have preferred this first bail applications under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 479/2019 registered at Police Station Tikrapara, Raipur, District – Raipur, (C.G.). for the offence punishable under Sections 420, 34 of Indian Penal Code.
3. As per the prosecution story, on 28.06.2019 complainant Prahlad Rai Agrawal made a complaint alleging therein that he entered into an agreement with husband of applicant Ruby Sahu (MCRCA No. 1771/2019) for some construction work. Allegedly, after some time applicant Rubi Sahu started to operate the firm after death of her husband. It is alleged that both the applicants breach the conditions contained in the agreement and thereby committed cheating by not providing a sum of Rs. 1.60 crores to the complainant. On the basis of the said, offence has been registered.
4. Learned Counsel appearing for the applicant submits that the applicants are innocent and have been falsely implicated in the present case. *Prima facie*, no case is made out against present applicants. Also, present case is of civil nature. It is further submitted that both the parties have settled their matter and an agreement/compromise deed dated 19.10.2019 have also been executed between applicant Rubi Sahu and complainant Prahlad Rai Agrawal. Therefore, it is prayed that, applicants may be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State opposes the bail application. Learned Counsel appearing for Objector has submitted that compromise has been taken place between parties and he has no objection on grant of anticipatory bail to the applicants.
6. I have heard learned Counsel appearing for the parties and perused the material available with due care.
7. Taking into consideration the submissions put-forth on behalf of the

parties, considering the facts and circumstances of the case, evidence collected by the prosecution, and further considering the fact that compromise has been taken place between the parties and complainant also have no objection on grant of anticipatory bail to the applicants, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.

8. Accordingly, the bail applications are allowed.
9. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. They shall also abide by all the following terms and conditions :
 - (i) They 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 fact to the Court,
 - (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (iii) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge