

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case (A) No.1665 of 2018**

- R. K. Sonkunwar S/o Shri Govind Sonkunwar Aged About 55 Years R/o Om Nagar, Jarahabhata, P. S. Civil Line, Tahsil And District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Police Station Incharge, Police Station Civil Line, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	: Shri Vinod Kumar Tekam, Advocate
For respondent/State	: Shri Ravish Verma, Govt. Advocate
For complainant	: Shri Hemant Kumar Patel, Advocate

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****18.3.2019**

1. This is the second bail application preferred by the applicant under Section 438 of the Cr.P.C. for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.239/2018, registered at Police Station Civil Line, Bilaspur (CG) for the offence punishable under Sections 420 of the Indian Penal Code. His earlier bail application has been rejected on merit by this Court vide order dated 27.6.2019.

2. As per the case of the prosecution, in brief, is that the present applicant obtained Rs.2,00,000/- from complainant Gend Ram for providing employment to his son in Railways, but neither the son of the complainant got employment nor the aforesaid

money was returned to the complainant and thereby he committed the aforesaid offence.

3. Learned counsel for the applicant submits that there was a transaction of Rs.2,00,000/- between complainant Gend Ram and present applicant and the applicant has returned the entire sum to Gend Ram who submitted an affidavit before this Court after receiving the amount. Therefore, the applicant may be extended the benefit of anticipatory bail.

4. On the contrary, learned State counsel opposes the application for grant of bail.

5. Looking to the change in the circumstances that the entire amount of transaction has been returned by the applicant to the complainant, the application is allowed.

6. 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 a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned investigating officer. The applicant shall also abide by the following conditions:-

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that he 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 any police officer.

- (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial;
- (v) that in case of change of address he will inform new address to investigating agency.

Certified copy as per rules.

Sd/-
(Ram Prasanna Sharma)
JUDGE