

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 633 of 2019

- Ramkumar Naik, S/o Shankar Lal Naik, Aged About 42 Years, Caste- Aghariya, R/o Sarkanda, Post Office, Police Station and Tahsil-Basna, District- Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station-Mulmula, District- Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Vikash Pradhan, Advocate.
For Respondent/State	:	Mr. Sudeep Verma, Dy. Govt. Advocate.
For Complainant	:	Mr. Sumit Shrivastava, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

06/02/2020

1. This is 2nd bail application of this applicant for grant of anticipatory bail. His first application MCRC(A) No.1040 of 2018 was rejected vide order dated 10.10.2018.
2. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.36/2018 registered at Police Station-Mulmula, District – Janjgir-Champa(C.G.), for the offence punishable under Sections 420/34 of the Indian Penal Code.
3. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. It is submitted that now the circumstances have changed because the applicant/accused and the

complainants have entered into a compromise and on the same basis, one co-accused Rajesh Kumar Nayak has been granted anticipatory bail by this Court. Therefore, on the ground of parity, it is prayed that applicant has also now become entitled for grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that earlier application has been decided on merits, hence, the application be rejected.
5. One of the complainant-Anil Pandey is present before this Court along with his counsel and counsel appearing on his behalf submits that a compromise has taken place with all the complainants and the amount received by the applicant has been refunded to them, therefore, now they have no grievance and no objection if application is allowed.
6. Heard both the parties and perused the case diary.
7. The co-accused Rajesh Kumar Nayak, who has been granted bail by this Court in MCRC(A) No.1610 of 2018 vide order dated 22.1.2019. The order in the same mentions the ground of compromise for grant of anticipatory bail to that co-accused, which is present for this applicant also, therefore, on the ground of parity, I am of this opinion that this applicant also should be granted 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 his executing a personal bond in the 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge