

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1077 of 2020**

- Lokesh Kumar Dewangan S/o Nirmal Prasad Dewangan Aged About 34 Years R/o Akaltara, At Present Surya Chowk Chingrajpara, Police Station Sarkanda, District Bilaspur Chhattisgarh Presently R/o Amalapara, Behind Santi Hotel, P. O. District Angul, Odisha Pin 759122.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, Korba District Korba, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Saumya Sharma, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

16/12/2020

1. The applicant has preferred the second bail application filed under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 633/2018 registered at Police Station Kotwali, Korba, District Korba, (C.G.) for offence punishable under Sections 420 and 34 of I.P.C.
2. First bail application of the applicant was earlier dismissed as withdrawn vide order dated 10/01/2020 passed in MCRCA No. 1670/2019 wherein in the event of filing of bail application under Section 439 of Cr.P.C., trial Court was directed to decide the same on the date of filing itself.
3. In the present case there are total three accused persons. According to the case of the prosecution, present applicant and other co-accused persons cheated the complainant Manish Sharma and obtained Rs. 2,40,000/- from him. Thereafter, complainant lodged the F.I.R. against the accused persons and on the basis of the said offence has been

registered.

4. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. She further submits that complainant Manish Sharma has executed agreement (Annexure A/4) dated 25.6.2019 and an affidavit dated 18.9.2020 regarding settlement between both the parties, where it is also stated that applicant has returned the amount of Rs. 2,40,000/- to the complainant and now complainant has no grievance with the applicant and no objection for granting bail to the applicant. She further submits that co-accused persons have already been granted bail by the Sessions Court. Looking to the above, it is prayed that applicant may also be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State opposes the bail application.
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 particularly considering the fact that compromise has been taken place between both the parties, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on his 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. He shall also abide by all the following terms and conditions :
 - (i) 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 fact to the Court,

- (ii) He shall not act in any manner which may be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge