

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1638 of 2019

1. Sumit Daga And Ors. S/o Sumit Daga Aged About 32 Years R/o E - 601, Palm Residency, Rajendra Nagar, Raipur, District Raipur Chhattisgarh.
2. Amit Daga S/o Sunil Daga Aged About 34 Years R/o E - 601, Palm Residency, Rajendra Nagar, Raipur, District Raipur Chhattisgarh.
3. Kamal Kishore Rathi S/o Sitaram Rathi Aged About 66 Years R/o Rathi Kunj, Ganj Para, Durg, District Durg Chhattisgarh.

---- Applicants

Versus

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

---- Respondent

For Applicant	: Mr. Navin Shukla, Advocate.
For Respondent/State	: Mr. Amit Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

08/01/2020

1. The applicants have filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending his arrest in connection with crime no. 237/2019, registered at Police Station: Golbazar, District-Raipur (C.G.) for the offence punishable under Section 420, 384, 34 of IPC.
2. As per the prosecution story, complainant Aafaque Hussain was having business-relationship with the Applicant. When the complainant was in need of Rs.12,00,000/- for his business, Applicants namely Sumit Daga & Amit Daga told to help the complainant in getting the loan of Rs.12,00,000/- for which they took signatures of the complainant on 12 blank cheques for the purpose of security but they did not lend him the said loan amount neither they helped the complainant in getting the same and thereafter they tried to withdraw the amount from the account of the complainant through Kamal Kishore. It is further alleged that Applicants constantly threatened the complainant to implicate him in false case. On the basis of said, offence has been registered.

3. Learned counsel appearing on behalf of the applicants submits that the applicants are falsely implicated in the present case due to some dispute with the complainant, prima facie no case of Section 384 can be made out against the Applicants with regard to the alleged offence under Section 420 of IPC. A compromise has been already taken place between both the parties and now complainant has no grievance with the Applicants therefore, he prays for grant of anticipatory bail to the Applicants.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties and further considering the fact that a compromise has been already taken place between both the parties and now complainant has no grievance with the Applicants, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and they shall abide by all the following terms and conditions:-
 - I. That the accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicants 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. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. The applicants 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