

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A.) No. 2001 of 2019

- Gopal Durge S/o. Late K. Durge Aged About 39 Years Resident Of RBH Colony, Khamtarai, Raipur, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Rakhi, District Raipur Chhattisgarh

---- Non-applicant

For Applicant : Mr. Raza Ali, Advocate.

For State/respondent : Mr. Devendra Pratap Singh, Dy.A.G.

For Complainant : Mr. Nitesh Jain, Advocate.

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

31-01-2020

Heard.

1. This is second bail application filed by the applicant for grant of anticipatory bail. The earlier application filed in M.Cr.C.(A.) No.585/2019 was dismissed as withdrawn on 29.04.2019, however, the direction was given to the applicant to surrender and apply for regular bail before the Court concerned. The applicant has apprehension of being arrested in connection with Crime No.29/2019, registered at Police Station – Rakhi, District- Raipur, Chhattisgarh for offence punishable under Section 420/34 of I.P.C., the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant is before this Court on the basis of the compromise that has taken place between the applicant and the complainant of this case. The copy of an

affidavit given by the complainant- Harishankar Madhukar, is filed along with the petition. It is also submitted that the complainant of this case is present before this Court to confirm the compromise between the parties. Rest of the co-accused persons have been acquitted on the basis of the compromise in Lok Adalat. Therefore, it is prayed that his application may be allowed.

3. Learned counsel for the State opposes the application.
4. Complainant is present-in-person along with the learned counsel, Mr. Nitesh Jain and he has made a statement that he has no objection in grant of anticipatory bail to the applicant and also that he has also stated that compromise has taken place with the applicant and after the appearance of the applicant in the trial Court, he will file application for compromise.
5. Heard learned counsel for both the parties and perused the documents present.
6. According to prosecution case, the allegation against this applicant and the other co-accused is the person, who induced the complainant that he can get him appointed as Government servant and on the basis of the inducement given, they received amount for the same as illegal gratification. Hence, this case.
7. Considered on the material present in the case diary and also considering the fact of compromise that the complainant himself is present before this Court and also looking to the fact that the co-accused persons in this case have also faced the trial Court and have been acquitted on the basis of compromise, therefore, I feel inclined to

allow this application.

8. Accordingly, the application filed under Section 438 of Cr.P.C. is allowed.
9. Accordingly, the anticipatory bail application is allowed. 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 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.
10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika