

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 247 of 2021**

- Sushil Kumar Sahu S/o Shri Kashiram Sahu, Aged About 30 Years, R/o Village Ashoknagar, Sarkanda, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Rajim, District Gariyaband, Chhattisgarh.

---- Respondent

For Applicant : Shri Anurag Singh, Advocate.

For Respondent/State : Shri Lalit Jangde, G.A.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****24/05/2021**

1. Heard through video conferencing.
2. The applicant has preferred the first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 212/2020 registered at Police Station Rajim, District Gariyaband, (C.G.) for the offence punishable under Sections 420 r/w 34 of the Indian Penal Code.
3. According to the case of the prosecution, on 6.11.2020, a report was lodged by complainant Yashwant Kumar Thakur *inter alia* on the ground that present applicant alongwith co-accused Ghanshyam allured the present applicant for providing job in the post of Assistant Grade-III in Labour Department and demanded Rs.2,00,000/- from the complainant. Allegedly, applicant obtained Rs.34,000/- from the

complainant for providing job. Further case of the prosecution is that both present applicant and co-accused person were not able to provide job nor returned the money to the complainant. On the basis of the said F.I.R, offence has been registered.

4. Learned Counsel appearing for the applicant submits that applicant is innocent and has been falsely implicated in the present case. He further submits that main allegations are against Ghanshyam and he has already been granted bail by this Court vide order dated 15.3.2021 passed in MCRCA No. 890/2021. He further submits that both complainant and applicant have settled their dispute and Rs.34,000/- has been returned by the applicant to the complainant. Both have also submitted a compromise deed also. Thus, money has already been returned by the applicant and both the parties have settled their dispute and main accused Ghanshyam has already been granted bail. Therefore, it is prayed that applicant may be granted anticipatory bail.
5. Learned Counsel appearing for the State opposes the anticipatory bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available.
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 on perusal of contents of the F.I.R., it appears that main allegations are against Ghanshyam and he has

already been granted bail by this Court, 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 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 from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will 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