

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 346 of 2021**

- Sudhir Sharma, aged about 38 years, S/o late Naresh Chandra Sharma, by Caste Brahman, R/o Ward No. 14, behind Sharma Dham, Namnakala, Ambikapur, Tahsil and Thana Ambikapur, District Sarguja (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh - Through : Police Station Manendragarh, District Koriya (C.G.)

---- Respondent

For Applicant : Mr. Parag Kotecha, Advocate.
For Respondent. : Mr. Vimlesh Bajpai, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25/06/2021**

Proceeding through video conferencing.

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime Number 20/2021 registered at Police Station - Manendragarh, District Koriya (C.G.) for the offence punishable under Sections 420 and 506 of Indian Penal Code.
2. The prosecution story, in brief, is that the complainant lodge a written report alleging therein that the applicant, who is the Director of BSS College, had taken Rs.47,000/- for DMLT Course and after first year of course, she was not allowed to sit in 2nd year course and again amount was demanded. Based on this, offence has been registered against the applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that due to pandemic and covid lockdown the delay occurred in giving the certificate of the Course. He also submits that the parties have entered into compromise and the complainant does not want to prosecute the matter. Therefore, he may be granted anticipatory bail.
4. On the other hand, learned State counsel opposing the bail anticipatory bail application submits that the compromise has been done in the matter.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, and further considering the fact that the parties have entered into compromise, without commenting anything on merits of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant.
6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicant shall make himself available for interrogation/medical examination before the concerned 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 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/-
(Rajani Dubey)
Judge

pkd