

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5686 of 2021**

Vinod Kumar Singh S/o Rajvallabh Singh, Aged About 48 Years, R/o Deepak Nagar, P.S. Mohan Nagar, Tehsil and District Durg Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through S.H.O. P.S. Mohan Nagar, District Durg Chhattisgarh.

---- Non-applicant

For Applicant : Mr. B.P. Singh, Advocate

For Non-applicant/State : Mr. D.P. Singh, Dy. Advocate General

For Complainant/objector : Mr. Bharat Sharma, Advocate

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****01.11.2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 13.07.2021 in connection with Crime No.115 of 2021 registered at Police Station Mohan Nagar, District Durg (C.G.) for commission of offence punishable under Section 384/34 of I.P.C.
2. Case of the prosecution, in brief, is that, on 04.03.2019, complainant was working as Branch Manager at Sahara India, Branch Durg. Applicant along with co-accused Somu Bihari reached to the Branch Office at Durg and demanded for making payment/withdrawal of Rs.35 Lacs along with interest deposited by the applicant and his family members with Sahara India. As there was shortage of fund in the Branch Office, complainant

demanded for some time to make payment. Applicant on the statement of complainant stated that he is in need of money and wants to withdraw his money back in the month of March itself. Looking to the pressure and threat, complainant stated that he will make his effort for making payment in the month of March itself. Complainant has given a cheque of Rs.5 Lacs on 14.03.2019 and thereafter, a cheque of Rs.8 Lacs on 20.03.2019. Incident was reported to concerned Police Station, based upon which, instant crime was registered against the applicant.

3. Mr. B.P. Singh, learned counsel for the applicant would submit that allegations levelled against the applicant are absolutely false and baseless. Applicant has not committed any crime as alleged against him. Applicant and his family members deposited Rs.35 Lacs with Sahara India. As he was in dire need of money urgently, therefore, he mounted pressure on the Branch Manager for withdrawal of his entire money of Rs.35 Lacs in the month of March 2019 itself. It is the complainant himself who as a Branch Manager, has given two cheques towards part payment of Rs.13 Lacs, out of Rs.35 Lacs, but under pressure of others, has lodged First Information Report. After registration of First Information Report, compromise has been arrived at between them and they have filed an application under Section 320(1) of Cr.P.C. on 23.07.2021. It is contented that applicant is in jail since 13.07.2021, hence, he may be enlarged on regular bail.
4. Per contra, Mr. D.P. Singh, learned Dy. Advocate General for the State opposing the submissions made by learned counsel for the

applicant, would submit that as per allegation, complainant has handed over two cheques under threat. There are two other criminal antecedents reported in case diary against the applicant, hence, applicant is not entitled for the benefit under Section 439 of Cr.P.C.

5. Mr. Bharat Sharma, learned counsel for complainant/objector would submit that complainant and applicant have entered into compromise, hence, he is having no objection for grant of bail to the applicant.
6. I have heard learned counsel for the parties.
7. Taking into consideration facts and circumstances of the case, nature of allegations, statement made by learned counsel for the applicant as well as complainant, application filed before the Chief Judicial Magistrate signed by the complainant as well as applicant under Section 320(1) of Cr.P.C. and pretrial detention of applicant, without commenting on the merits of the case, I am inclined to release the applicant on regular bail.
8. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one local surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;
 - a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
 - b) He shall not, in any manner, tamper with the prosecution

witnesses.

c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

**Sd/-
(Parth Prateem Sahu)
Judge**

Yogesh