

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7612 of 2020**

- Sanjay S/o Jyotish Mandal Aged About 27 Years R/o Village Saljora Bandri Police Station Saraiyahat District Dumka (Jharkhand)

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station City Kotwali District Bilaspur Chhattisgarh

---- Respondent

For Applicant	:	Shri Amit Kumar, Advocate
For State	:	Shri Aman Kesharwani, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****12/02/2021**

Heard.

1. The applicant has been arrested in connection with Crime No.170/2020 registered at Police Station – City Kotwali, District – Bilaspur (C.G.) for alleged commission of offences under Section 420/34 of IPC.
2. Prosecution case is that a complaint was made by the complainant that by the present applicant and the co-accused, his bank account details were extracted and in this manner, Rs.9,02,995/- were got transferred from different accounts of the complainant to the account opened in the name of forged person. According to the prosecution, all this was done by the applicant and the co-accused.
3. Learned counsel for the applicant would submit that the allegations against the applicant are not based on any cogent material and there is no evidence of transfer of any amount in the account of the present accused and the amount is said to have been transferred to some other account and there is no material to show that the account was operated by the present applicant. The next submission is that in the evidence, the complainant (PW1) has stated before the Court that he had received a call from a person whose name was none other than the present applicant. Lastly, it is

submitted that when the complainant was convinced that the present applicant is not involved, dispute is now resolved and application under Section 320 (2) of CrPC was filed before the Court below for compounding offence as the complainant has admitted that the amount, as alleged, have already been deposited with the complainant.

4. On the other hand, learned State counsel opposes prayer and submits that the application for compounding offence was submitted before the Court below but the application was rejected taking into consideration the nature of crime alleged to have been committed by the applicant.

5. Considering the submission and taking into consideration that the applicant is in jail since 04/08/2020, investigation is complete, charge sheet has been filed and that the complainant has recorded his own satisfaction and seems to have settled the dispute as the entire amount of the complainant has been received by him, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the Trial Court on the condition that -

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) He shall not make any attempt to tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge