

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1718 of 2020**

Lomesh Kumar Dhruv, S/o. Late Dushyant Singh, aged about 31 years,
R/o. Village Limohadih, Tahsil Doundi, District Balod, Chhattisgarh.

----Applicant**Versus**

State of Chhattisgarh, Through : Police of Police Station - Doundi, District
Balod, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Akash Pandey, Advocate
For Respondent/State	: Mr. Devendra Pratap Singh, Dy.A.G.
For Complainant	: Mr. Anupam Sharma, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****14/01/2021**

1. Apprehending arrest in connection with Crime No.07/2018, registered at Police Station – Doundi, District – Balod (C.G.) for offence punishable under Section 420 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail. The first bail application of the applicant bearing M.Cr.C.(A) No.816 of 2018 was dismissed as withdrawn vide order dated 23.08.2018.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The only offence registered against the applicant is under Section 420 of I.P.C., which is compoundable offence. The applicant and the complainant

both have entered into a compromise, therefore, the complainant has at present no objection in grant of bail to this applicant. Hence, for this reason, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that there is clear allegation of the complainant that the money was obtained by this applicant for procuring government job for him. Therefore, no objection statement made by the complainant side can not be entertained. Therefore, the applicant is not entitled for grant of anticipatory bail.
4. Complainant Ram Kishan Korethi is present along with the counsel before this Court and he has submitted that he has no objection in grant of bail to the applicant.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. The case of the prosecution is this that the applicant obtained money from this complainant – Ramkishan Koreti and others to procure the job of Anganbadi Supervisor for them. The job could not be procured by him for the complainant and others and neither the amount received by him is returned, therefore, FIR was lodged.
7. Considered on the submissions and the facts of the case. As the complainant has made statement that he and others, who had made payment to the applicant, have received the amount from the applicant and therefore, he has no objection in grant of bail to the applicant. Further, the offence registered against the applicant is

compoundable, therefore, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge