

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1362 of 2015

Ashutosh @ Chinnu Mahapatra S/o Shri Prephokar Mahapatra,
Aged About 29 Years R/o Village Kotpad, District Koraput Orissa.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Jarhagaon, District Mungeli (Chhattisgarh)

---- Respondent

For applicant – Smt. Renu Kochar, Advocate.
For Respondent/State – Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

3/02/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 31/2014, registered at Police Station Jarhagaon, District Mungeli (C.G.) for offence punishable under Section 406, 407 of IPC.
2. As per the prosecution case complainant Anand Agrawal had entrusted grains for being supplied to Danteshwari Traders, and Ashish Kirana and the applicant delivered it to other co-accused.
3. Learned counsel for the applicant submits that parties have entered into compromise and affidavit has been filed and submits that complainant has received the entire amount and due to misunderstanding in the business transaction, report was made. She relied on the Ikrarnama filed along with this petition. She submits that taking into fact that compromise has been affected and co-accused has been granted bail in M.Cr.C. (A) No.681/2014 on 13/10/2014 by the coordinate bench of this court, therefore the applicant may be granted benefit of anticipatory bail.
4. Learned State counsel do not dispute the fact that settlement has

been arrived at.

5. Considering the fact that settlement has been arrived at which is not disputed by the learned State counsel, I am inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is allowed and 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 local 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) 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/-
(Goutam Bhaduri)
JUDGE

