

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 657 of 2016

Mukesh Murarka, S/o Late Nathmal Murarka, Aged About 43 Years,
R/o Main Road, Korba, C/o Murarka Petrol Pump, Power House
Road, Korba District Korba Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Police Station City Kotwali, Korba,
Civil & Revenue District - Korba Chhattisgarh

---- Respondent

For applicant – Shri Sunil Otwani, Advocate.
For Respondent/State – Shri Neeraj Jain, G.A.
For objector - Shri Kamal Kishore Patel, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

02/09/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 250/2016 registered at Police Station City Kotwali, Korba for offence punishable under Sections 379, 420, 467, 468, 471 of Indian Penal Code.
2. As per the prosecution case, a complaint was made by one Rajesh Murarka that the present applicant had stolen certain cheques from his possession and used the same by interpolation in his favour. Thereby, offence is committed.
3. Learned counsel for the applicant submits that family settlement has been arrived at between the family members of the complainant and the applicant as the complainant is the real brother of the applicant and certain amount was to be paid by the complainant, because of such negotiation and the cheques which were given which got bounced the dispute arose. Subsequently, with intervention of elder members of the

family both of the applicant and the complainant they have arrived at a compromise and settled the dispute. Therefore, he submits that in view of this, no custodial interrogation would be required and the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel and counsel for the objector do not dispute the fact that settlement has been arrived at between the family members of the complainant and the applicant and therefore they have no objection for grant of anticipatory bail to the applicant.

5. Perused the case diary and the documents. Considering the fact that inter-se dispute between the family members have been settled and considering submission of the objector/complainant that they have arrived at into compromise, in view of this custodial interrogation may not be required. Considering the facts of the case, 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 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

gouri