

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1313 of 2016**

1. Deepak Agrawal, S/o. Raj Kumar Agrawal, Aged About 32 Years, R/o. Katghora Road, Deepka, Tahsil Katghora, District -Korba, Chhattisgarh.

----Applicant

Versus

1. State of Chhattisgarh, Through : The District Magistrate, Korba, District Korba, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Samir Singh, Advocate
For Respondent/State	: Mr. Ashish Shukla, Govt. Advocate.
For Objector	: Ms. M. Asha, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****03/03/2017**

1. Apprehending arrest in connection with Crime No.06/2016 registered at Police Station- AJAK Korba, District – Korba (C.G.), for offence punishable under Section 420, 120-B, 409, 467, 468, 471/34 of Indian Penal Code and 3 (1) (4) and 3 (1) (5) of Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, the applicant has preferred this application for grant of anticipatory bail.
2. Case of the prosecution in brief is that the present applicant, who was running business on behalf of Laxminarayan on the basis of power of attorney opened a different account of M/s. Laxmi Narayan Enterprises in the Axix bank and had deposited the

amount and misappropriated the amount to his benefit. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that on the basis of the application filed under Section 156 (3), an enquiry was made and on the basis of enquiry, FIR has been registered. He further submits that after registration of the said FIR, the same was subject of challenge before this Court in W.P.(Cr.) No.343/2016 and by an order dated 13.12.2016 copy of which is placed on record this Court has taken cognizance and it directed that no coercive steps shall be taken against the applicant since there was a compromise was affected prior to that on 12.08.2015. It is submitted that as per the documents filed, initially the complaint was made and the complainant after evaluating the facts has entered into compromise and thereafter again on the same issue, the another report is made, and the applicant has been falsely implicated in this case. Therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.
4. Per contra, learned counsel for the State as well learned counsel for the objector opposes the bail application.
5. I have heard the learned counsel for the parties.
6. Perused the order passed in W.P.(Cr.)343/2016 dated 13.12.2016 as also the order dated 05.01.2017, passed in M.Cr.C.(A) No.1071/2016, whereby B. Anand Rao the other co-accused has been granted anticipatory bail by the Coordinate Bench of this Court and the compromise was also seen, which is filed along with the petition dated 12.08.2015, it appears that certain business transaction took place in between the parties and initially the

compromise was affected between the applicant and the complainant the allegation that second account was found to have been opened in the name of the firm it was prior to 12.08.2015 when the compromise was affected. Taking into the totality, the nature of documents and the transaction inter-se between the parties, it appears that some monetary dispute exist between the parties. Considering the facts and circumstances of the case and the nature of the evidence available, this Court is inclined to extend the benefit of anticipatory bail to the applicant as the custodial interrogation of the applicant may not be required.

7. 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) 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/-
(Goutam Bhaduri)
Judge