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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 816 of 2017**

- Amit Dhalla S/o Prabhu Dayal Dhalla, Aged About 32 Years R/o 90, Prem Puri, Near Bebe Nanki Langar Hall, Kanker Khera, Meerut, District Meerut, Uttar Pradesh (Presently Residing At Flat No.401, Baroda House Apartment, Sector 10, Plot No. 40-A, Dwarka Delhi)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Azad Chowk, Raipur, District Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Jaspreet Singh Raj, Advocate with Shri Rahul Tamaskar, Advocate
For Respondent-State	:	Shri D.K. Wankhede, GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****29/11/2017**

1. The applicant has preferred this bail application under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No.234/2016, registered at Police Station- Azad Chowk, Raipur, District Raipur for offence punishable under Section 420/34 of the IPC.
2. As per the prosecution case, a report was lodged by one Pratik Bais, who is the Director of Ferry Flying Aviation, in the Police Station Azad Chowk, Raipur, wherein it was stated that he had booked an Air Ambulance on behalf of one Ku. Rishika Singh and an amount of Rs.640000/- was deposited, wherein the air ambulance was to be sent on 11.08.2016,

however, the air ambulance did not reach to the Raipur on the date, therefore, he had returned the amount of Rs.640000/- to Rishika Singh. Subsequently, it is stated by the complainant that on different dates certain amounts were returned by Wisler Aviation and amount of Rs.82000/- remained, which the directors of the company did not return and the Amit Dhalla was one of the Directors along with Amit Sharma, therefore, the FIR was lodged against Amit Sharma & Amit Dhalla. After the registration of the FIR and after investigation, it was revealed that Deepak Dhalla, who is brother of the Amit Dhalla, in connivance with Amit Dhalla has committed the offence. Subsequently, Deepak Dhalla was arrested on 23.05.2017 at Delhi and Transit Bail was sought for by the Investigation Officer of Azad Chowk Police Station, Raipur and the Chief Metropolitan Magistrate granted the Transit Bail to the applicant with a direction to appear before the Court of JMFC on 07.06.2017 and to deposit an amount of Rs.1 Lakh, each by Amit Sharma and Deepak Dhalla. Thereafter, when the Anticipatory Bail was applied for before the Sessions Court, Raipur, by this applicant also it was rejected. Hence this application is filed for Anticipatory Bail.

3. Learned counsel for the applicant would submit that the rejection order of the Sessions Court would show that there has been complete change of the version in the F.I.R. and the statement under Section 161 Cr.P.C. given to the Police which was made from time to time. He would further submit that the nature of allegation would show that transaction are of commercial transactions inter se between the parties and no fraud has been committed and custodial interrogation would not be required and all the evidence are documentary, therefore, the applicant may be enlarged on anticipatory bail.
4. Per contra, learned State counsel opposes the prayer for grant of

anticipatory bail.

5. I have gone through the F.I.R., statement of Prateek Bais and the case-diary. Considering the statement, F.I.R. was registered on the allegations of non-payment of Rs.82000/- and initially the same was maintained and subsequently the amount was inflated and the allegations would show that the parties were into commercial transaction, therefore, considering the nature of allegations and facts of case it appears primarily the nature of transactions are commercial in nature, I am inclined to allow this anticipatory bail application.
6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - (i) that the applicant shall make himself available for interrogation before the investigation 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.

Sd/-

Goutam Bhaduri
Judge

Ashu