

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1128 of 2016

1. Subash Agarwal S/o Shri Mohanlal Agarwal, Aged About 52 Years Chairman Of A R S S Infrastructure Projects Ltd. At Plot No. 38, Sector - A, Zone D, Mancheswar Industrial Estate, Police Station - Mancheswar, Bhubaneswar, District -Khurda (Odisha), Residing At Plot No. N- 2 88/89, I.R.C. Village, Behind Raju Bhai B.D.A. Park, Nayapalli, Bhubaneswar, District - Khurda, (Odisha)
2. Rajesh Agarwal, S/o Shri Mohanlal Agarwal, Aged About 42 Years Managing Director Of A R S S Infrastructure Project Ltd. At Plot No. 38, Sector - A, Zone D, Mancheswar Industrial Estate, Police Station Mancheswar, Bhubaneswar, District Khordha, (Odisha), Resident Of Plot No. V I P - 157, I R C Village, Nayapalli, Bhubaneswar- 751015, District Khurda, Odisha.
3. Anil Agarwal, S/o Mohall Agarwal, Aged About 46 Years Director, A R S S Infrastructure Project Ltd. At Plot No. 38, Sector - A, Zone D, Mancheswar Industrial Estate, Police Station Mancheswar, Bhubaneswar, District Khordha (Odisha), Resident Of Plot No. V.I.P.- 157, I R C Village, Nayapalli, Bhubaneswar- 7501015, District Khurda, Odisha
4. Sunil Agarwal, S/o Mohall Agarwal, Aged About 39 Years C.E.O., A R S S Infrastructure Project Ltd. At Plot No. 38, Sector - A, Zone D, Mancheswar Industrial Estate, Police Station Mancheswar, Bhubaneswar, District - Khordha (Odisha), Residing At Plot No. N- 2, 88/89, I R C Village, Behind Raju Bhai B.D.A. Park, Nayapalli, Bhubaneswar, District Khurda (Odisha)

---- Petitioners

Versus

- State Of Chhattisgarh Through The Station House Office, Police Station - Maudahapara, Raipur, District Raipur Chhattisgarh

---- Respondent

For Applicants : Mr. K.K. Singh, Advocate

For Respondent/State : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04-01-2017

1. Apprehending arrest in connection with Crime No. 211 of 2014 registered at Police Station Maudahapara, Raipur, District Raipur (CG), for offence punishable under Section 420/34 of IPC, the applicants have preferred this application under Section 438 of the Cr.P.C.

2. As per case of the prosecution, on 21-10-2014 complainant Subhash Bathwal has lodged a report against the present applicants, who are Directors of ARSS Infrastructure Projects Ltd., have obtained special auto mobile spare parts and made purchase in the sum of Rs.54,74,093/- from Raipur Sales Corporation which is owned by the complainant. Subsequently, the said amount has not been paid to him and thereby they cheated the complainant.
3. Learned counsel appearing for the applicants would submit that the entire transaction in between the parties has been settled as per memorandum of understanding dated 2-5-2014 (Annexure A/2) and the amount has been settled. He would further submit that the case of the present applicants is similar to that of other co-accused Sourabh Agrawal who has been granted anticipatory bail by the Supreme Court in Special Leave Petition (Cri) No. 17 of 2015, therefore, the present applicants may be extended the benefit of anticipatory bail.
4. Learned State counsel opposes the prayer for grant of anticipatory bail, however, he does not dispute the fact that similarly placed other co-accused Sourabh Agrawal has been granted anticipatory bail by the Supreme Court.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the memorandum of understanding. It appears that due to some monetary transaction a report was made.
7. Considering the facts and circumstances of the case, nature of allegations leveled against the applicants and further considering the memorandum of understanding and also the facts that one of the co-accused has been granted anticipatory bail by the Supreme

Court, I am inclined to extend benefit of anticipatory bail to the applicants and entertaining the application before this Court.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions:

- (i) that the applicants shall make herself available for interrogation before the Investigating Officer as and when required.
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju