

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 127 of 2018**

Amarjeet Singh Chawla @ Minku Chawla, S/o. Late Jogendra Singh Chawla, Aged About 40 Years, R/o. Chawla Decorators Nehru Nagar Bhilai Tehsil And District Durg Chhattisgarh. Permanent Address Bunglow No. 4 Chouhan Green City Junwani Bhilai Tehsil And District Durg Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station Supela Civil And Revenue District Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vijay Kumar Sahu, Advocate
For Respondent/State	: Mr. Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****05/07/2018**

1. Apprehending arrest in connection with Crime No.93/2017, registered at Police Station – Supela, District – Durg (C.G.) for offence punishable under Section 420 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. It is only a case of non-performance of the agreement by this applicant and this applicant has also refunded the amount that he has received from

the complainant. Therefore, it is prayed that the applicant may kindly be benefited under the provisions of Section 438 of Cr.P.C.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The case against the applicant is this that he received Rs.3,50,000/- in advance for the purpose of setting of tents and other decorations in the marriage function that was being organized by the complainant Sharad Kumar Mishra. It is alleged that this applicant failed to perform his part in the agreement and did not refund the amount, because of which the FIR has been lodged.
6. Considered the submissions made and the contents of the case diary. Under the present development of things State has verified through the concerned police station that the amount received in advance by this applicant has been refunded to the complainant. Hence, under these circumstances, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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/-
(Rajendra Chandra Singh Samant)
Judge

Balram