

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 925 of 2017**

Krishnanandu Dey, S/o. Late G. K. Dey, Aged About 47 Years, Director-De-Tech Computer Center, R/o. M. I. -1, 267/05 Phase -2, Rajkishore Nagar, Police Station Sarkanda, District Bilaspur Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Sarkanda, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Avinash Chand Sahu, Advocate
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****25/01/2018**

1. Apprehending arrest in connection with Crime No.560/2017, registered at Police Station – Sarkanda, District – Bilaspur (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. Applicant is running computer training institute in which the complainant and others had taken admission to obtain certificate of training course. After depositing the fees, the complainant and others did not attend the class and did not complete the course, after number of

opportunities being given to them, in the year 2010. Subsequently, FIR has been lodged on 12.08.2017, when the applicant refused to refund the fees deposited for the training course to the complainant and others. No case is made out against him, therefore, it is prayed that the applicant be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents.
5. The case against the applicant is this that, the complainant – Sulekha Mukharjee and three others took admission in the institute of this applicant to complete certificate course in computer training. After depositing the fees as asked by the applicant, applicant failed to provide necessary materials, books and training to the complainant and others. This is the incident of the year 2010. Subsequently, the complainant and others approached the applicant to refund their fees deposited for the course, which has been refused by this applicant. Hence FIR was lodged.
6. Considered the submissions made and the contents of the case diary. Complaint against the applicant appears to be the complaint about failure in providing service to the complainant and others and apart from that there is delay of 7 years in lodging of FIR against the applicant. Taking into consideration all the facts and circumstances of the case and the materials available on record, 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