

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 463 of 2019

- Sunil Agrawal, S/o Om Prakash Agrawal, Aged About 43 Years, Occupation-Chartered Accountant, R/o Kotararoad, Raigarh, District -Raigarh Chhattisgarh, Taluka, Raigarh, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, Raigarh, District-Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mrs. Hamida Siddiqui & Mr. Vivek Singhal,
Advocates.

For Respondent : Mr. Ghanshayam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

02/08/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.1022/2018 registered at Police Station- City Kotwali, District- Raigarh(C.G.), for the offence punishable under Sections 420, 509-B of the Indian Penal Code and Section 67 of Information Technology Act.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The applicant is a Chartered Accountant by profession and he used to help and advise the persons desirous of obtaining loan for starting their business/project. The complainant in this case also approached the applicant for starting her stand-up project according to the scheme of government for which

there is provision of subsidy to such beneficiaries. The applicant agreed to help out the complainant and it was also agreed that the applicant will charge the complainant for the same and accordingly, the applicant charged the complainant with some money. Out of which, he has received only part payment and thereafter only for the reason that the complainant could not get subsidy in her project, she made false complaint against the applicant. Hence, it is prayed that he may be enlarged on anticipatory bail.

3. Learned State counsel opposes bail application and submissions made in this respect. It is submitted that the applicant and co-accused person has misguided the complainant with regard to the place where she had to establish her stand-up project because of which she could not get subsidy as it was expected from the concerned department, therefore, it is a clear case of cheating. Further, the applicant has posted objectionable posts in social medial i.e. Facebook, against the complainant and copy of that posts uploaded in social networking website has also been seized in this case. Hence, his application be rejected.
4. On 26.7.2019 the complainant was present in person and she has stated that she is being continuously harassed and tortured by the applicant to withdraw her case and she has also been offered money for the said purpose. Hence, she prayed to this Court to reject the application of applicant.
5. Heard both the parties and perused the case diary.
6. According to prosecution case, the applicant is a Chartered Accountant and he agreed to help the complainant her in getting the loan sanctioned for her stand-up project. Accordingly, loan of Rs. 35 lakhs

was sanctioned in favor of the complainant. Thereafter, when the complainant was searching for a place to establish her concern, the applicant in association with co-accused Sanjay Agrawal proposed a place, which was actually owned by one Anand Singh Rathiya. Despite the objection of the complainant, the applicant and his associate Sanjay Agrawal forced her to enter into a lease agreement. After establishing her business, when the complainant applied for subsidy, her application for subsidy was rejected for the reason that her concern is established over the land owned by a tribal person. It is also alleged that the applicant is defaming the complainant by posting messages in social networking website. The allegation of the complainant is this that she has been cheated by the applicant for Rs.5 lakhs.

7. After considering on all the material present in the case diary, and especially perusing the complaint filed by the complainant, it appears that there had been an agreement between the applicant and complainant that the complainant shall pay facilitation fees to the applicant. The failure in obtaining subsidy can be pursued by the complainant. So far as other objections raised by the complainant is concerned, she is at liberty to file separate complaint for the same. However, considering the facts and circumstances of the present case, I am inclined to allow the application of this applicant.
8. 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 his executing a personal bond in the 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha