

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1986 of 2019

- Surendra Verma S/o Badri Verma, Aged About 42 Years, R/o Plot No. C-2, Minakshi Nagar, Borsi, Tahsil and District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh, through The Station House Officer, Police Station Durg, District Durg Chhattisgarh., District : Durg, Chhattisgarh
2. Gopal Parnami S/o Late Biharilal Parnami, Aged About 59 Years, R/o - C/27, Street No. 04, Banshi Vihar, Parasdhanm Road, Borsi, Post Office and Police Station Pulgaon, Tahsil and District Durg Chhattisgarh, District : Durg, Chhattisgarh

-----Respondents

For Petitioner – Shri S.P. Sahu, Advocate.

For State/Respondent No.1 – Shri Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-09-2019

Heard.

1. This petition has been brought for cancellation of the bail granted to respondent No.2. It is submitted that while arguing the application for bail on behalf of respondent No.2 it was submitted that respondent No.2 is ready to undertake to make refund of the entire amount received by him and further he had made admission also in the argument that he has borrowed the amount Rs. 11,50,000/- from the complainant, i.e., this petitioner. On the basis of this undertaking this Court has granted bail to respondent No.2. Subsequent to release of respondent No.2 on bail, he has not honoured his undertaking. Therefore, it is prayed that the bail granted to respondent No.2 may be canceled.
2. Learned counsel for the State/Respondent No.1 makes formal opposition.
3. There is no representation on behalf of respondent No.2.

4. Heard learned counsel for the parties and perused the documents.

5. In order dated 14-03-2018 passed in MCRC No.1363 of 2018 the counsel arguing on behalf of respondent No.2 had admitted that the respondent No.2 had received amount of Rs.11,50,000/- from the complainant and thereafter an undertaking was given by the counsel on behalf of respondent No.2 that entire amount will be returned to the petitioner, which was taken into consideration for grant of bail to respondent No.2.

6. As it is submitted in this petition under Section 439(2) of the Cr.P.C. supported with the affidavit by the petitioner, it is found that there is clear breach of undertaking given by respondent No.2, hence, for this reason I feel inclined to allow this petition.

7. Consequently, the petition is allowed and bail granted to respondent No.2 vide order dated 14-03-2018 in MCRC No.1363 of 2018 is canceled. The concerned trial Court is directed to take respondent No.2 in custody and send him to jail.

Sd/-

(Rajendra Chandra Singh Samant)
Judge