

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1745 of 2018

- Sanjay Kumar Agrawal S/o Late Madan Lal Agrawal, Aged About 45 Years, R/o 301, Golden New Apartment Near Kalika Durga Apartment Visakhapatnam (Andhra Pradesh), District : Visakhapatnam, Andhra Pradesh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Bhupdevpur Raigarh, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sanjay Agrawal, Advocate.

For Non-applicant/State – Shri Arun Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-01-2019

1. Apprehending arrest in connection with Crime No.115/2016, registered at Police Station – Bhupdevpur, Raigarh, District Raigarh, Chhattisgarh for offence punishable under Section 420/34 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is partner of Konark Gobal Pvt. Ltd. engaged in business of supply of TMT bar and angles etc. No case is made out against this applicant on the basis of the FIR lodged by the complainant. It is a simply commercial transaction in which the applicant's party has failed to supply the goods as agreed, for which remedy is available to make claim for damages. Therefore, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. Complainant Jaiprakash Basen is Director of J.P.W. Infrastructure Pvt. Ltd. The J.P.W. Infrastructure Pvt. Ltd. placed an order for supply of goods

worth Rs. 1, 95,00,000/-with the applicant's company. It is alleged that supply was not made and the amount received in advance has not been refunded. Hence, this case.

6. Considered on the entire material present in the case diary. The applicant and the complainant both are business concerns and it appears to be a business transaction in which the applicant appears to have failed, hence, after due consideration, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge