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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 3127/2019**

TUSHAR AGARWAL

..... Petitioner

Through: Mr Piyush Chhabra, Mr Priyanka
Tiwary and Mr Vishal Kumar,
Advocates.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr Amit Gupta, APP for State with
SI Jag Mohan, PS Chhawla.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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19.12.2019

CRL.M.A. 43063/2019

1. Allowed, subject to all just exceptions.

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2. Issue notice. Mr Gupta, learned APP accepts notice.

3. The petitioner has filed the present petition, *inter alia*, praying for anticipatory bail in connection with FIR No. 0350/2018 under Section 420 of the IPC, registered with PS Chhawala.

4. The FIR in question was registered pursuant to an order passed by the learned Metropolitan Magistrate under Section 156(3) of the CrPC pursuant to a complaint filed by one Mr Sachin Jindal, proprietor of M/s Arcade Infra Solutions.

5. A plain reading of the said FIR indicates that he had remitted certain

funds to the petitioner on account of certain purchase orders placed by him. It is alleged that funds were remitted at the instance of the petitioner to another account and not in the name of his entity. He further alleges that the conduct of the petitioner makes it clear that he had no intention of performing his obligations.

6. The learned counsel appearing for the petitioner states that the petitioner shall join the investigation as and when a notice would be issued to him to do so. The petitioner has also filed a complaint before the Magistrate, Kashipur, Udham Singh Nagar.

7. *Prima facie*, the disputes articulated in the said FIR appear to be of a civil nature.

8. In view of the above, the present petition is allowed and the petitioner is admitted to anticipatory bail on his furnishing a personal bond in the sum of ₹25,000/- and one surety of an equivalent amount to the satisfaction of the Investigating Officer.

9. The petitioner shall ensure that he fully cooperates in the investigation and appears before the IO as and when required.

10. The petition is allowed in the aforesaid terms.

VIBHU BAKHRU, J

DECEMBER 19, 2019
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