

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.169 of 2020

Amarjeet Rekhi S/o Lt. Devendra Singh Aged About 51 Years R/o
House No. D/15 A, Maroda Sector, Bhilai, District Durg Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station -
Mohan Nagar, District Durg Chhattisgarh

---- Respondent

For Applicant	:	Mr. Awadh Tripathi, Advocate
For Respondent/State	:	Mr. Vimlesh Bajpai, G.A.
For Objector	:	Mr. Ashutosh Mishra, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

17/06/2020

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.23/2020 registered at police station – Mohan Nagar, Distt. Durg (C.G.) for alleged commission of offence under Section 420, 467, 468 of IPC.

2. Case of the prosecution is that the complainant was in need of 5 trucks for carrying out her business and for this purpose, she contacted applicant Amarjeet Rekhi. Amarjeet Rekhi introduced her to co-accused Arjun Gupta, who is in the business of sale and purchase of vehicles. Further allegation is that towards making necessary arrangement of payment of road taxes, permits, insurances and other documentary formalities, complainant had paid Rs.20 lacs to Arjun Gupta. Rs. 3 lacs were given to the applicant for bringing 5 trucks from the other State to the State of Chhattisgarh for being handed over to complainant Geeta Patel. It is alleged that though the trucks have been brought and possession given to the complainant, no steps have been taken by Arjun Gupta to get various documents prepared by paying necessary taxes, permits, charges, insurances etc. and in this manner, complainant Geeta Patel has been defrauded by Arjun Gupta and present applicant who acted hand in glove.

3. Learned counsel for the applicant submits that as far as the role of the present applicant is concerned, he was entrusted with the job of bringing vehicle from State of Maharashtra for being handed over to the complainant which he has done and has received amount of Rs 3 lacs. All the vehicles are in possession of the complainant. As far as payment of Rs.20 lacs is concerned, that was made to Arjun Gupta and not the present applicant. If Arjun Gupta has defaulted in making necessary arrangements towards payment of road taxes, permits, insurances etc., then applicant cannot be held responsible.

4. Learned counsel for the State and Objector oppose the prayer for grant of bail by submitting that it was the applicant, who introduced the complainant to the other accused Arjun Gupta. The arrangement of vehicle, payment of all necessary dues and transportation of vehicle from Maharashtra to Chhattisgarh was to be done by Arjun Gupta and present applicant both. Though, the vehicle has been given, other requirements for which Rs. 20 lacs was paid, have not been done by the applicant and Arjun Gupta. It is also submitted that Arjun Gupta has already been arrested.

5. On prima facie consideration, from the complaint of the complainant herself, it is disclosed that complainant had contacted present applicant to make necessary arrangement for purchase of trucks. The applicant introduced complainant to Arjun Gupta. The complainant had paid Rs.23 lacs for completion of all formalities including transportation of vehicle to State of Chhattisgarh. According to complainant herself, Rs.3 lacs were given to the present applicant for bringing vehicle and the applicant brought vehicle and 5 trucks have been handed over to the complainant. According to the complainant, Rs.20 lacs was given to Arjun Gupta towards payment of road taxes, necessary permits, charges, insurances etc., which according to complainant, has not been done by Arjun Gupta, even though he received Rs.20 lacs.

6. Taking into consideration the aforesaid aspects and the role alleged to be played by the applicant, I am inclined to protect the applicant by grant of anticipatory bail. Therefore, the application is allowed.

7. Accordingly, it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his

furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that he 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 from disclosing such facts to the Court or to any Police Officer.
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he 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/-

(Manindra Mohan Shrivastava)

J U D G E

Rekha