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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1553 of 2020**

- Sourabh Dwivedi, S/o Shyam Bihari Dwivedi, aged about 35 years, R/o B-22, Rajiv Lochan Parisar, CG Housing Board Complex Green Park, Raipur Road, District Raipur (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Civil Lines, District Bilaspur Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Anand Mohan Tiwari, Advocate.
For Non-Applicant : Shri Samir Uraon, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****08/12/2020 :**

1. The applicant has preferred this application for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.0712/2020, registered at Police Station Civil Lines, District Bilaspur for offence punishable under Section 420 of the IPC.
2. The applicant and the informant entered into a partnership in the name of M/s Lead Education for imparting on-line and off-line education to the intended students. According to the informant, the applicant shown to him a demo of project in his laptop due to which he was impressed and paid Rs.25,20,000/- on different dates but the applicant neither purchased the software from the Pune based E to E company nor proceeded further for establishing business. Despite repeated demand the applicant refused to return the amount. It is also stated in the FIR that when the informant enquired from Pune based E to E company, they stated that the applicant has never applied for Franchisee.

3. Learned State Counsel would vehemently oppose the bail application. According to him, the applicant has defrauded the informant for a sum of Rs.25,20,000/- without even purchasing the software which was foundation for commencement of on-line and off-line education platform.
4. Having heard learned counsel for the parties and on perusal of the case diary, it appears, the applicant and the informant had entered into a partnership for opening new business which did not materialize. In the FIR itself, it is mentioned that the applicant has invested Rs.36 lakhs and the informant has invested Rs.25,20,000/-. Thus both the parties have invested the amount in the business but somehow the business could not be started due to which a dispute occurred and the applicant is not returning the amount to the informant.
5. Considering the nature of allegation and for the fact that the basis of dispute lies in the partnership between the parties, I am inclined to extend the benefit of anticipatory bail to the applicant.
6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - (i) he shall not influence the witnesses during trial.
 - (ii) he shall make himself available for interrogation by a police officer as and when required;
 - (iii) 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.

Sd/-
Judge
(Prashant Kumar Mishra)