

THE HIGH COURT OF MADHYA PRADESH
M.Cr.C. No.41315/2020
Manoj Chouksey S/o Kantilal Chouksey V/s. State of M.P.
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Indore, dated : 25.11.2020

Shri Raghav Shrivastava, learned counsel for the applicant.

Respondent/State by Shri Soumil Ekadi, Panel Lawyer.

Shri Suresh Chandra Agrawal, learned counsel for the complainant.

ORDER

This is the **First** application filed under Section 438 of Cr.P.C. by the applicant – **Manoj Chouksey S/o Kantilal Chouksey**, who apprehends his arrest by Police in connection with **Crime No.134/2020** registered at **Police Station Kotwali, Dewas**, concerning **offence under Sections 406, 420, 506 and 34 of the IPC**.

2. Heard the learned counsel for the parties through video conferencing and perused the case diary.

3. As per the prosecution story the complainant had supplied certain building material to the tune of Rs.6,24,484/- with GST amount to the applicant and his father but after receiving the material they have not made the payment. After the complaint to the police out of Rs.6,24,484/- they have paid Rs.3,40,000/- in cash and issued a cheque of Rs.2,84,464/- dated 30.01.2020 to the complainant but the said cheque has returned unpaid by the Bank due to insufficient fund and now the applicant is disputing the aforesaid amount. The applicant has also filed a petition under Section 482 of Cr.P.C. seeking

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quashment of FIR based on the compromise arrived at with the complainant on 31.12.2019 in the Police Station.

4. Learned counsel appearing for the applicant disputing that the aforesaid compromise as it was arrived at in the Police Station under the pressure of the Police. Hence, the applicant is praying for grant of anticipatory bail.

5. On the other hand, learned Panel Lawyer opposes the prayer for grant of bail.

6. Shri S.C.Agrawal, learned counsel for the complainant submits that the applicant as well as his father came forward for settlement and suo moto issued a cheque in order to settle the dispute but now they are disputing the amount, hence, they are not entitled to bail. He further submits that if the applicant is still ready to make payment to the complainant he has no objection in granting bail to him.

7. I have perused the case diary. Considering the arguments advanced by the counsel for the parties, without commenting on the merits of the case, the application is hereby allowed **subject to handing over the demand of draft of Rs.2,84,646/-** issued in the name of the complainant to the Investigating Officer the applicant **Manoj Chouksey S/o Kantilal Chouksey** be released on bail upon his furnishing personal bond in the sum of **Rs.40,000/-** (Rupees Forty Thousand Only) with **one surety** in the like amount to the satisfaction of the arresting officer with the condition that **he will co-operate with the**

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investigation and the applicant shall make himself available for interrogation by the Police Officer as and when required and shall also abide by the conditions No.1 to 3 of subsection (2) of Section 438 of Cr.P.C. It is made clear that the above payment is made without affecting the right of defence of the applicant in the trial. If the applicant gets acquitted in the trial the complainant shall return the amount of **Rs.2,84,646/- to the applicant.**

8. With the aforesaid, this M.Cr.C. Stands disposed of.
C.c. as per rules.

(VIVEK RUSIA)
JUDGE

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