

(2017) 02 RAJ CK 0039
In the Rajasthan High Court
Case No : 1176 of 2017

Hemant Kapoor S/o Late B.L. Kapoor

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 06-02-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 438](#) - Direction for grant of bail to person apprehending arrest
[Indian Penal Code, 1860](#), [Section 420](#),
[Section 406](#)

Citation : (2017) 02 RAJ CK 0039

Hon'ble Judges : Sanjeev Prakash Sharma

Bench : SINGLE BENCH

Advocate : N.K. Gurjar, J.P. Bhardwaj

Final Decision : Allowed

Judgement

1. This application for anticipatory bail under sec.438 CrPC has been filed in connection with FIR No.539/2016, Police Station-Pratap Nagar, District Bhilwara, for offences punishable under sections 406, 417, 420 IPC.

2. Learned counsel for the petitioner submits that the FIR was lodged on account of a business transaction, the matter does not travel beyond civil nature and so far as the money transaction is concerned, the petitioner has already returned back the money for the clothes. On the other hand, there are security cheques which are with the complainant. Learned Public Prosecutor opposed the bail application.

3. Heard learned counsel for the accused-applicant as well as learned Public Prosecutor.

4. Having considered the facts and circumstances of the matter, without commenting on the merits of this case, I deem it just and proper to grant the benefit of anticipatory bail to the accused-applicant under Section 438 Cr.P.C.

5. Accordingly, this bail application is allowed and it is directed that in the event of arrest of accused-applicant in connection with FIR No.539/2016, Police Station, Pratap Nagar, District Bhilwara the accused-applicant - Hemant Kapoor s/o late Mr B.L. Kapoor aforesaid shall be released on bail provided he furnishes a personal bond in the sum of Rs.50,000/- along with two sureties in the sum of Rs.25000/- each, to the satisfaction of the concerned Investigating Officer/S.H.O. on the following conditions:

- (1) He shall make himself available for interrogation by Investigating Officer as and when required;
- (2) 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;
- (3) He shall not leave India without the previous permission of the trial court.