

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Miscellaneous Bail Application No. 12531/2019

Rajkumar Agarwal S/o Shri Shyamsunder Fatehpuriya B/c Agarwal, R/o Fatehpuriya Gopalji Mohalla 261 Madan Niwas Mem Saheb Gali Beawar Dist. Ajmer (At Present In Central Jail Ajmer)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s) : Mr. H.S. Sinsinwar with Mr. Jaswant Rathore

For Respondent(s) : Mr. Ganesh Saini, PP

For complainant : Mr. Rajneesh Gupta

HON'BLE MR. JUSTICE PANKAJ BHANDARI

Order

30/09/2019

1. Petitioner has filed this bail application under Section 439 of Cr.P.C.
2. F.I.R. No.93/2018 was registered at Police Station Beawar City, District Ajmer for offences under Sections 420 and 406 IPC.
3. It is contended by counsel for the petitioner that complainant after filing of the FIR on 12.2.2018, has submitted Income Tax Return. In the Income Tax Return, he has shown Rs. 50 lacs as paid to Shyam Sunder Fathepuriya-father of petitioner. It is contended that charge sheet has been filed. Police has submitted negative final report, as far as Shyam Sunder Fathepuriya is concerned.
4. It is also contended that the signatures of petitioner's father

was forged in the document, therefore, it was purposely not produced before the Investigating Officer.

5. It is also contended that as per the agreement, Rs.50 lacs was paid as advance to Shyam Sunder Fathepuria and petitioner, whereas, in returns, all three persons who are named in the agreement have shown the amount as paid to Shyam Sunder Fathepuria. It is also contended that all three returns were filed on the same day i.e. 20.5.2019 and were submitted to the police on 21.5.2019. The figures appearing in all the returns and the entries are akin to each other. It is also contended that as per the returns filed by the complainant and the other two persons, they did not have cash in the bank so as to pay the balance amount.

6. It is also contended that advocate of petitioner has joined hands with the complainant.

7. Learned Public Prosecutor as well as counsel for the complainant have opposed the bail application. It is contended that petitioner is having criminal antecedents.

8. I have considered the contentions.

9. Considering the contentions put forth by counsel for the petitioner, I deem it proper to allow the bail application.

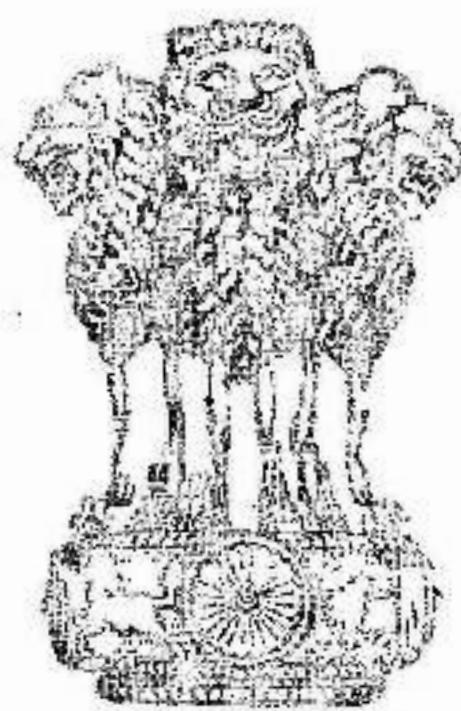
10. This bail application is accordingly allowed and it is directed that accused petitioner shall be released on bail provided he furnishes a personal bond in the sum of Rs.1,00,000/- (Rupees one lakh only) together with two sureties in the sum of 50,000/- (Rupees Fifty Thousand only) each to the satisfaction of the learned trial court with the stipulation that he shall appear before

that Court and any court to which the matter is transferred, on all subsequent dates of hearing and as and when called upon to do so.

(PANKAJ BHANDARI),J

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RAJASTHAN HIGH COURT



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