

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8575 of 2016

Sanni Patel, S/o. Shri Rajnikant Dulabhai Patel, Aged About 31 Years,
R/o. C-10, Nandanvan Complex, In Front Of Townhall, Elis Bridge,
Ahamdabad, Gujrat.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station-
Supela, Bhilai, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mrs. Fouzia Mirza, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

For Objector : Mr. Chandresh Shrivastava, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11/01/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.480/2016 registered at Police Station- Supela, Bhilai, District Durg (C.G.) for the offence punishable under Section 420, 34 of Indian Penal Code.
2. As per the prosecution case, complaint was made by Udai Dutta, General Manager of Simplex Casting Limited, Bhilai that company has provided amount of Rs. 1,68,02,771/- to Rasson Energy India Pvt. Ltd. to purchase machine 30, Ton Work over Rig with Mobile Mud Pump Kelly, Bop with hydraulic operating system, swell, tank handling tools and all equipment. Though it was agreed would be purchased in the name of Simplex Casting Limited, Bhilai but was purchased in the name of the company Rasson Energy India Pvt.

Ltd. Thereafter, certain agreement was drawn that the company Rasson Energy India Pvt. Ltd. would pay certain amount to the company Simplex Casting Limited, Bhilai but the same was not paid and it was also agreed that the machine would be transferred in the name of Simplex Casting Limited, Bhilai was not being done as per the agreement dated 18.08.2015. Thereby, the offence has been committed.

3. Learned counsel for the applicant would submit that the nature of transaction would show that the liability is of civil in nature and it is further submitted on instructions that “no objection” has already been given, which is annexed as Annexure A-3 and the Simplex Casting Limited is free to take away the vehicle and the financial liability can be decided subsequently and no criminality can be attributed. She further submits that the charge sheet has been filed and no further investigation is necessary, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel and learned counsel for the objector opposes the prayer for grant of bail. It is submitted by the objector that at the very inception, there was cheating and no amount has been paid and therefore fraud has been committed.
5. Perused the case diary and the documents. Taking into the nature of transaction and submission of applicant that complainant can take away the vehicle as no objection is issued to them and the fact that the charge sheet has been filed and no further investigation is necessary and further considering the fact that the evidence appears to be documentary in nature and the applicant is in jail since 12.10.2016, I am inclined to release the applicant on bail.

6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge

Ashok