

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1822 of 2018**

Vijay Rupra, S/o. Hardev Singh Rupra, Aged About 43 Years, R/o.- H.No. 1433 Madanlal, Subh Moters, Opp. Gupteshwar, Old Amar Singh Tal, Jabalpur (M.P.).

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For State/respondent : Mr. Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**04/04/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.1038/2017, registered at Police Station – Supela, District – Durg (C.G.), for the offence punishable under Section 420/34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 11.02.2018. The case against this applicant is purely a commercial transaction and at the most it can be held that the

applicant had failed to perform his part of the contract. Although the applicant claims that the “application” that was ordered for purchase by the complainant has been supplied to the complainant, which is already in use, hence no case is made out against this applicant. Hence, prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that according to the complaint made, after receiving the payment this applicant closed down his office and went in hiding, which clearly shows his intention to cheat the complainant and the investigation is pending, hence no case is made out for grant of bail to the applicant.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case of the prosecution in brief is that the complainant Pratap Nayak, proprietor of Preeti Enterprises engaged in business of sale of mobile sets, placed an order for purchase of one computer application to Apsdaily Solution Pvt. Ltd. whose proprietor was co-accused Arun Menan and this applicant is national distributors having office at Jabalpur. Pursuant to that order, complainant deposit Rs.10.00 lakhs in the account of the applicant through RTGS. It is alleged that the said “application”, the commodity of purchase was not supplied to the complainant, neither the amount was returned and when the complainant approached this applicant, he gave him false assurance and then he closed his office and went in hiding. Hence, the FIR has been lodged and the case is under investigation.

6. Considered on the submissions made and the contents of the case diary. Further considering the material present in the case diary, there is no denial that this applicant has received Rs.10.00 Lakhs from the complainant, which can also be claimed through civil litigation, hence, looking to the facts and circumstances of the case and further for the reason that it does not appear that the custodial interrogation of this applicant is required in this case, hence this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge