

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 3510 of 2018**

Mr. Basid S/o Ismile Sayyad Aged About 52 Years Occupation- Indian Inhabitant And R/o- House/plot No. 201, Mayur Sumit Complex, Survey No. 444/5 Kasarwadi, Pune-411034, Maharashtra

---- Applicant**Versus**

State Of Chhattisgarh Through- The Incharge of Police Station, Purani Bhilai, District- Durg, Chhattisgarh.

----Non-applicant

For Applicant	:	Mr. Shahid Ahmed Khan, Advocate
For State	:	Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****28/06/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 69/2018 registered at Police Station Purani Bhilai, District Durg, Chhattisgarh for the offence punishable under Sections 420, 406, 467, 468, 471, 34 of the Indian Penal Code.
2. The present applicant is in jail since 10.03.2018 in connection with the aforesaid Crime number.
3. The case of the prosecution against the present applicant is that the present applicant is said to have created false and fictitious companies and is said to have induced the complainant Preeti Singh of selling H.R. steel worth more than Rs.48 lakhs to the three persons, who had approached her in the name of three different companies. That subsequently those persons, who had entered into the business with the complainant Preeti Singh did not make the balance of payment, on which further inquiry it was found that no

such companies existed in Pune. Later on in the course of the investigation, the present applicant is suspected to have been involved in the crime by creating fictitious companies and entering into the business and later on cheating the complainant in Bhilai, Chhattisgarh.

4. The counsel for the applicant submits that if the entire charge-sheet as it is verified and taken into account on its face value, there is no averment, allegation or material available with the prosecution, with which the present applicant could be implicated in the instant case. He submits that except for the memorandum statement of one co-accused Ravi Panwar, there is no material whatsoever available, with which the present applicant could be charged for the offence under Section 420 or for the other charges which have been leveled against him.
5. The State counsel however opposing the bail application submits that it is a case where the present applicant is said to have being instrumental in the creation of the fictitious firms and the three persons namely Mahadev, Anurag and Kishore, who have gone to deal with the complainant Preeti Singh were all employees of the present applicant and in addition there is also the memorandum statement of the co-accused Ravi Panwar in this regard and therefore, the bail application of the present applicant deserves to be rejected.
6. Having heard the contentions put forth on either side and on perusal of record, except for the memorandum statement of the co-accused Ravi Panwar, the State counsel has not been able to show any

strong material, which the prosecution has collected in the course of the investigation, with which the present applicant can be directly linked with the three persons who had entered into business deal with complainant Preeti Singh. Moreover, the prosecution also has not been able to collect any material evidence so far as the applicant being instrumental in the creation of the fictitious companies or the applicant being directly or indirectly related to those three companies, which had entered into the business transactions with the complainant Preeti Singh. Given the facts and circumstances of the case, this Court is of the opinion that prima facie a strong case for grant of bail to the applicant is made out. Accordingly, the present application for grant of bail is allowed.

7. It is directed that the 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 Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge