

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3645 of 2018**

- Mr. Basid s/o Ismail Sayyad, Age: 52 years, Occ: business Indian Inhabitant and resident of House Plot No.201, Mayur Sumit Complex, Survey No. 444/5 Kasarwadi, Pune-411034 (M.H.)

---- Applicant

Versus

- State Of Chhattisgarh Through : the In charge of Police Station, Supela, District Durg, Chhattisgarh

---- Respondent

For Applicant	:	Shri Shahed Ali Ansari, Advocate
For Respondent/State	:	Shri V.B.Singh, P.L.
For Objector	:	Shri C.R. Sahu, Advocate.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****11.07.2018**

1. The applicant has filed this application under Section 439 of the Cr.P.C. for grant of regular bail as he has been arrested on 21.03.2018 in connection with Crime No. 262/2018 registered in Police Station Supela, District Durg (C.G.) for the offence punishable under Section 420/34 IPC.

2. Case of the prosecution is that the applicant on showing himself as owner of Uday Enterprises purchased the Steel Square Pipe worth Rs.9,71,482/- from P.S. Steel Tubes Limited Company and paid only a sum of Rs.2,90,000/- against the said purchased articles. Further prosecution story is that the applicant is not the owner of said Uday Enterprises and has thus committed the offence punishable under Section 420/34 IPC. The said offence has been registered on the basis of a written complaint lodged by one Rajesh Ahuja, the Director of the said Company, i.e., P.S. Steel Tubes Limited

Company.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in connection with the said crime. He submits further that he is the owner of the said Uday Enterprises and has purchased Steel Square Pipe from the P.S. Steel Tubes Limited Company in the month of December, 2017 and has paid a sum of Rs.2,90,000/- thrice and while filing the complaint, the Director of P.S. Steel Tubes Limited Company has suppressed this material fact by mentioning that the applicant has paid only a sum of Rs.2,90,000/- against the said purchased articles. He submits further that the entire transaction took place between the applicant and the complainant is of civil nature. Lastly, he submits that the offence is triable by Magistrate First Class, charge sheet has been filed and he is in jail since 21.03.2018, therefore, he may be enlarged on bail.

4. On the other hand, Shri V.B. Singh, learned Panel Lawyer for the State and Shri C.R.Sahu, learned counsel for the objector oppose the bail application and submit that the applicant is not the owner of the said Uday Enterprises and that by showing himself as owner of it, has purchased the said articles worth Rs.9,71,482/- and has thus committed an offence punishable under Section 420/34 IPC.

5. I have heard learned counsel for the parties and perused the entire case diary carefully.

6. Having considered the facts and circumstances of the case and that by considering the averments made in the written complaint lodged by the Director of P.S. Steel Tube Limited Company on 15.03.2018 in relation to the alleged purchase of Steel Square Pipe made in the month of December, 2017 and that by considering further the detention period of the applicant, who is in jail since 21.03.2018, I am inclined to enlarge him on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that on furnishing a personal bond in the sum of Rs.50,000/- with one surety in like sum to the satisfaction of the concerned Magistrate/trial Court for his appearance before it as and when directed, the applicant shall be released on bail.

Sd/-
(Sanjay Agrawal)
Judge

Anjani