

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3712 of 2018

- Mr. Deepak Kishorilal Gujral S/o Mr. Kishorilal Gujral, Aged About 30 Years, Occupation- Business, Indian inhabitant and resident of House Gangubai Niwas, Om Bldg Near Ganesh Mandir, Vikas Colony Lane No. 2, Nandewadi Bhosari Pune, Maharashtra., District : Pune, Maharashtra

---- Applicant

Versus

- State Of Chhattisgarh Through- The In Charge of Police Station, Azad Chowk, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

MCRC No. 3930 of 2018

- Mr. Basid S/o Ismail Sayyad, Aged About 52 Years, Occupation Business Indian inhabitant and resident of House /Plot No. 201, Mayur Sumit Complex, Survey No. 444/5 Kasarwadi, Pune, District : Pune, Maharashtra

---- Applicant

Versus

- State Of Chhattisgarh Through The In Charge of Police Station Azad Chowk Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicants – Shri Shahed Ali Ansari, Advocate.

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-07-2018

1. As both these applications arise out of the same crime number, i.e., Crime No. 62/2018 registered at Police Station Azad Chowk, Raipur, Distt. Raipur, Chhattisgarh for the offence under Section 420, 34 of the IPC, they are being decided by this common order.

2. Heard on the applications filed under Section 439 of the Cr.P.C. These are first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 10-03-2018.

3. It is submitted on behalf of the applicants that the applicants have been

falsely implicated in this case. They are in jail since 10-03-2018. The case against them is triable by the JMFC. The trial against them is likely to take some time before its conclusion. No case is made out against them according to the material present in the prosecution case. Hence, it is prayed that the applicants may be released on regular bail.

4. Learned counsel for the State/non-applicant opposes the applications and submits that these applicants are perpetrators or partners of fraudulent company which is engaged in commission of such offence regularly and both the applicants are residents of other states, hence, if they are released on bail, their availability before the trial Court shall be compromised. Hence, it is prayed that both the applications may be rejected.

5. Heard learned counsel for the parties and perused the case diary.

6. Complainant Prashant Mohan Kedia has filed a written complaint alleging that his concern United Steel Traders is engaged in trading of products of iron. The applicants placed order for supply of iron sheets in the name of various concerns of worth Rs.2,07,76,414/-. A token payment of Rs.62,42,470/- only was made and the payment of Rs.1,45,33,944/- was outstanding. After supply made by the complainant when the complainant tried to approach the applicants for the payment, he came to know that their addresses were false and the applicants have switched off their phones and mobile phones. Hence, the FIR was lodged.

7. Considered on the material present in the case diary. Details of the previous history of these applicants has not been provided by the prosecution. After filing of the charge sheet trial is likely to take some time. Hence, for these reasons, I am of this opinion that the applicants should be granted regular bail during pendency of the trial against them.

8. Consequently, both these applications filed by the applicants under

Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge