

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3870 of 2018**

1. Vaibhav Jain, S/o. Vimal Jain, Aged About 41 Years,
 2. Vimal Jain, S/o Late Maniklal Jain, Aged About 67 Years,
- Both R/o House No. 22B, South Avenue, Choubey Colony, Raipur,
Tahsil and District Raipur, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh, Through District Magistrate, Durg, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Sidharth Luthra, Sr. Advocate with Mrs. Fourzia Mirza, Mr. Rahul Sharma and Ms. Mehak Jaggi, Advocates
For Respondent/State	: Mr. Anupam Dubey, Dy. Govt. Advocate
For Objector/Digvijay Singh Bali	: Mr. Arvind Shrivastava, Advocate
For Objector/Abhilash Bannerji	: Ms. Sunita Jain, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****09/07/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicants, who have been arrested in connection with Crime No.409/2017, registered at Police Station – Pulgaon, Chowki - Jevra Sirsa, District– Durg (C.G.) for the offence punishable under Sections 406, 420, 34 of the Indian Penal Code.
2. Learned Sr. counsel for the applicants submits, that applicant has been falsely implicated in this case. Totally false complaint has been lodged by the complainant that the applicants had received amount from the complainant – Gunjeet Singh Parwana and others as booking amount

for purchasing of car, whereas in a complaint filed by the complainant Gunjeet Singh Parwana under Section 138 of Negotiable Instrument Act before the Court of Judicial Magistrate First Class, Durg, he has stated that the applicants had borrowed Rs.5.00 lakhs from him and the cheque for repayment was dishonored. Similarly, the complainant Manpreet Parwana has raised this dispute before the District Consumer Redressal Forum, Durg regarding which documents have been attached. The complainant has totally suppressed this fact while lodging the FIR about the consumer dispute filed by him. Hence, for this reason, it is prayed that they may be released on regular bail.

3. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that according to the statement of the witnesses recorded under Section 161 of Cr.P.C., it is clearly made out that the applicants are the habitual offenders and they have numerous cases registered against them. Hence they are not entitled for grant of bail.
4. Mr. Arvind Shrivastava, Advocate appearing on behalf of objector – Digvijay Singh Bali submits that it is a case of money transaction, but the criminal jurisdiction is not barred. The contents of the FIR clearly make out the offence registered against the applicants. It is further submitted that the applicants are involved in six similar cases and they have misappropriated total amount of Rs.7.00 Crores. Hence, they are not entitled for grant of bail.
5. Ms. Sunita Jain, counsel appearing on behalf of the objector Abhilash Bannerji submits that two more complaint cases have been filed against the applicants, in which allegations have been made about

commission of similar nature of offence by the complainants. Further there are cases registered against these applicants in different cities. Hence, looking to the numerosity of the offence registered against the applicants, it is prayed that the applicants are not entitled for grant of bail.

6. In reply, Sr. counsel for the applicants submits that the objectors, who have appeared before this Court to object for grant of bail have been refunded the amount received from them by these applicants. Apart from that in case in which Anil Nacharani is the complainant, the stay in proceedings granted by this Court is operating.
7. It is further submitted that in the matter of earlier bail application, the objection was raised that the applicant is the accused of similar other offences also, which needs explanation. It is not denied that there are other cases registered against the applicants. In Crime No.316/2017, registered at P.S.Telibandha U/s. 420/34 of I.P.C., the applicants have filed W.P.(Cr.) No.424/2017, in which vide order dated 13.07.2017 interim relief has been granted with direction not to take any coercive steps against the applicants. In Crime No.320/2017, registered at P.S.- Golbazar for offence under Section 420/34 of I.P.C., the applicants have filed W.P.(Cr.) No.508/2017, in which by order dated 23.11.2017, the proceedings have been stayed by this Court. In Crime No.61/2018, registered at Police Station Hirri for offence under Section 294, 420, 506, 34 of I.P.C. and under Section 138 of Negotiable Instrument Act, the Varun Jain has been granted anticipatory bail. In Crime No.191/2018, registered at P.S.- Telebandha for the offence under Section 420/34 of the I.P.C., the applicant has enlarged on bail. Hence,

this is the only case registered against him in which the bail is prayed for.

8. I have heard the learned counsel for both the parties and perused the case diary.
9. Considered the submissions made and the contents of the case diary. After due consideration in all the material present in the case diary and also for the reasons that the applicants have obtained relief in the shape of interim relief or bail in other cases against them from the Court concerned, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
10. Accordingly, the regular bail application filed under Section 439 of Cr.P.C. is allowed.
11. It is directed that applicant shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- with one local surety each in the like sum to the satisfaction of the trial Court concerned, for their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge