

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5515 of 2018

1. Ravi Pawan @ Ravi Pawar, S/o. Omprakash Pawar, Aged About 32 Years, R/o.- B-304, Saitorial Inning Phase -1, City Mukai Chowk, Shaket, Police Station- Dehuroad, District- Pune, (Maharashtra).
2. Abdul Aziz Choudhari, S/o. Late Mumtaj Ali Choudhari, Aged About 30 Years, R/o.- Gali No. 05, Shriram Colony, Near Sindhi Ganjanand Temple, Police Station- Bhosari, District- Pune City (Maharashtra).

---- Applicants

Versus

State Of Chhattisgarh, Through- Police Station- Azad Chowk, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. P. Chetan Kumar, Advocate
For Respondent	:	Mr. Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

21/08/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.62/2018, registered at Police Station- Azad Chowk, Raipur, District – Raipur (C.G.) for the offence punishable under Section 420/34 34 of the Indian Penal Code.
2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. Applicants are in jail since 24.03.2018 & 27.03.2018 respectively. No case is made out against them on the basis of the material present in the charge-sheet. It is a case of non-payment of price of the goods purchased by the applicants, which is a case of purely civil nature. Hence, it is prayed that the applicants may be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that huge amount are outstanding against the applicants with respect to the complainant of this case. Hence, they

are not entitled for grant of bail.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Complainant Prashant Mohan Kediya filed a written complaint on that basis FIR has been lodged in which it is alleged that the applicants placed order for supply of iron-sheets from the concern of the complainant. After supply of the goods as ordered, the purchase price of the goods were not paid to the complainant in full and when the complainant tried to approach the applicants, he found their mobile numbers have been switched off and also the address given by them were fake. Hence, FIR was lodged.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and further taking into account that similarly placed co-accused persons namely Deepak Kishorilal Gujral & Basid have been granted regular bail by this Court, hence for this reason, this Court is of the opinion that present is a fit case, in which, this applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge