

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5743 of 2018**

- Amol Ganveer S/o Krishna Rao Ganveer Aged About 34 Years R/o- Village- Chikani (Do) Thana Tahsil Neer, District- Yavatmal, Maharashtra., District : Yavatmal, Maharashtra

---- Applicant

Versus

- State Of Chhattisgarh Through- P.S. Azad Chowk, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant	: Mr. Anmol Sharma, Advocate
For State/respondent	: Mr. Anupam Dubey, Dy. Govt. Advocate.

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

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.62/2018 registered at Police-Station-Azad Chowk, Raipur, District-Raipur(C.G.) for the offence punishable under Sections 406, 420, 467, 468, 471, 120-B and 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against him. It is a case of simple business transaction, in which, the

applicant has failed to pay the price of goods purchased. The applicant is ready to make good the payment of amount outstanding against him towards the price of goods supplied by the complainant. Hence, it is prayed that he may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the applicant having been prosecuted two times in the identical cases for similar offences is not entitled for grant of regular bail.
4. In reply, counsel for the applicant submits that in the previous cases the applicant is on bail, hence, this application be allowed.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. The case against the applicant is this, that complainant Prashant Mohan Kedia, Proprietor of United Steel Traders, supplied goods of iron worth Rs.22,10,611/- to the concern of the applicant namely "Gujral Enterprises" and against which he received partial payment and an amount Rs.1,45,33,944/- remains to be paid by the applicant to the complainant. When the complainant tried to contact the applicant for balance payment of goods supplied, he found that the addresses given were false and even the mobile phone of the applicant was untraceable. Hence, the FIR was lodged.
7. Considering the entire material present in the case diary and further considering the fact that similarly placed co-accused persons have been granted regular bail by this Court, I am of the view that present applicant is also entitled to be released on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C.

are allowed. It is directed that 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 trial Court, for his appearance as and when directed.

9. Certified copy today.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha