

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5907 of 2018**

Amol Ganveer S/o Krishna Rao Ganveer, Aged About 34 Years R/o Village Chikani(Do), Thana Tahsil Ner, District Yavatmaal, Maharashtra.

---- Applicant**Versus**

State Of Chhattisgarh Through P. S. Supela, District Durg, Chhattisgarh.

---- Non-applicant

For Applicant:

Shri Anmol Sharma, Advocate.

For State/Non-applicant:

Shri Anant Bajpai, Panel Lawyer.

Single Bench:Hon'ble Shri Sanjay Agrawal, J

Order On Board**04.09.2018**

1. The applicant has filed this bail application under Section 439 of Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Cr.P.C.') for grant of regular bail as he has been arrested on 19.05.2018 in connection with the crime No. 262/2018 registered in Police Station Supela, District-Durg for the offence punishable under Sections 420, 467, 468, 471 & 120-B of IPC.
2. Case of the prosecution is that the applicant on showing himself as owner of Gujral Enterprises purchased the Steel Square Pipe worth Rs. 20,89,801/- from P.S. Steel Tubes Limited Company and has not paid a sum of Rs. 15,19,801/- with regard to the said purchased articles. Further prosecution story is that the applicant is not the owner of the said Enterprises and has thus committed the said offence. 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.
3. Shri Anmol Sharma, learned counsel for the applicant submits that the

applicant has been falsely implicated in connection with the said crime. He submits further that the applicant is the owner of the said Gujral 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.3,00,000/- and then Rs.2,70,000/- in the month of December, 2017 itself and that while filing the complaint, the Director of said P. S. Steel Tubes Limited Company has not stated in his complaint regarding the payment of this much of amount. He submits further that the entire transaction as took place between the applicant and the complainant is of civil nature and since the charge sheet has already been filed, therefore, the applicant who is in jail since 19.05.2018 may be released on bail.

4. On the other hand, Shri Anant Bajpai, learned counsel for the State while opposing the bail application submits that the applicant is not the owner of the said Gujral Enterprises and that by showing himself as owner of it, has purchased the said articles worth Rs. 20,89,801/- and has thus committed an offence punishable under the aforesaid provisions.

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 purchase of Steel Square Pipe made in the month of December, 2017 and that by considering further the detention period of the applicant, 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 trial Court for his appearance before it as and when directed, the applicant shall be released on bail. It is, however, made it clear that I have not entered into the merits of the case and the trial Court shall proceed with the matter without influencing any of the observations of mine.

Sd/-

(Sanjay Agrawal)
JUDGE

Nikita