

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6257 of 2018**

Madhav Kishanrao Biradar S/o Kishanrao Biradar Aged About 30 Years R/o Telgaon Police Station Balki, District Bidar Karnatka., District : Bidar, Karnataka.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Thana Azad Chowk, Raipur District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Akhand Pratap, Advocate.
For the Respondent/State	:	Shri Avinash K. Mishra, P.L.
For the Objector	:	Shri Anumeh Shrivastava, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.10.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.62 of 2018, registered at Police Station – Azad Chowk, District Raipur, Chhattisgarh for the offence punishable under Sections 420, 467, 468, 471 and 120B/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 12.4.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. According to the facts of the prosecution case, it

had been a case of simple business transaction which has been converted into a criminal case. Similarly placed co-accused persons – Deepak Kishorilal Gujral and Basid have been granted bail by this Court in M.Cr.C. No. 3712 of 2018, vide order dated 04.07.2018. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that this applicant is a habitual offender and he is being prosecuted in two other cases of similar nature. Hence, no case is made out for grant of regular bail to the applicant.

4. Learned counsel for the Objector submits that the applicant and the other co-accused persons have made a modus operandi by placing order with the innocent firms for supplying the articles and initial payments was made to gain faith and when the complainant tried to approach the applicants for the payment, he came to know that the address was false and the applicant had switched off his phones. Hence, the applicant is habitual in committing a well-planned crime of cheating the innocent manufacturers of this State. Hence, the bail application of the applicant be rejected.

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

6. The allegation in this case against the applicant is that he placed an order of supply of steel tubes with the United Steel Traders, the firm of complainant – Prashant Mohan regarding which, he made an initial payment

of Rs.7,00,000/-. After the goods were supplied to the concern of the applicant, when the complainant approached for remaining payment, he came to know that the office addresses given were false and the phone numbers were not reachable. Hence, the FIR has been lodged in this case.

6. After due consideration of all the material present in the case-diary and now the investigation is complete and the charge-sheet has been filed and also for the reason that similarly placed co-accused persons – Deepak Kishorilal Gujral and Basid have been granted bail by this Court, I feel inclined to grant regular bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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 local surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge