

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9219 of 2018**

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

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Supela Bhilai, District-
Durg, Chhattisgarh.,

---- Respondent

For Applicant	:	Shri Akhand Pratap, Advocate.
For Respondent/State	:	Shri Ravindra Agrawal, P.L.
For Objector	:	Shri Arvind Shrivastava, Advocate.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****11.12.2018**

1. Heard.

2. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of bail as the applicant has been arrested on 02.05.2018 in connection with Crime No.262/2018 registered in Police Station Supela Bhilai, Distt. Durg for the offence punishable under Sections 420, 467, 468, 471, 120-B read with Section 34 of the I.P.C.

3. Case of the prosecution, in brief, is that the applicant on showing himself as owner of Omkar Enterprises purchased the Steel Square Pipe worth Rs.59,40,162/- from P.S. Steel Tubes Limited Company and paid only a sum of Rs.22,38,130/- against the said purchased articles. Further prosecution case is that the applicant is not the owner of said Omkar Enterprises and has thus

committed the offence punishable under Sections 420, 467, 468, 471, 120-B read with Section 34 IPC. 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 Company Limited.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in connection with the aforesaid crime. He submits further that he is the owner of the Omkar Enterprises and has purchased the Steel Square Pipe from the P.S. Steel Tubes Limited Company from the month of October, 2017 upto December, 2017 and has paid a sum of Rs.22,38,130/- also. He, therefore, submits that the entire transaction, which took place between the applicant and the complainant, is of a civil nature. He submits further that the applicant is in jail since 02.05.2018, therefore, he may be enlarged on bail.

5. On the other hand, learned counsel for the State and learned counsel for the Objector while opposing the bail application submit that the applicant is not the owner of the Omkar Enterprises and that by showing himself as the owner of it, has purchased the said articles worth Rs.59,40,162/- and has thus committed an offence under Sections 420, 467, 468, 471, 120-B read with Section 34 IPC.

6. I have heard learned counsel for the parties and perused the entire case diary.

7. 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 alleged purchase of Steel Square Pipe made in the aforesaid months and that considering further the detention period of the applicant, who is in jail since 02.05.2018, I am inclined to enlarge the applicant on bail.

8. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a bail bond in sum of Rs.50,000/- (Rupees fifty thousand only) with one surety in the like sum to the satisfaction of the trial Court. He is directed further to co-operate with the trial of the case and shall appear before the trial Court on each and every date as and when directed by the said concerned Court. It is made clear that I have not expressed any opinion on the merits of the case while allowing this application and the trial Court shall not be influenced by any of the observations of mine

Certified copy as per rules.

Sd/-
(Sanjay Agrawal)
Judge