

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2121 of 2019

1. Sanjay Shamrao Mhadalkar S/o Shri Shamrao Mahadalkar, Aged About 48 Years R/o House No. 12 Kapilapark, Dhamanwane Chiplun, Thana and Tahsil- Chiplun, Civil and Revenue District- Ratanagiri, Maharashtra.
2. Smt. Radha Shamrao Mhadalkar W/o Shri Sanjay Shamrao Mhadalkar, Aged About 45 Years R/o House No.12 Kapilapark, Dhamanwane Chiplun, Thana And Tahsil- Chiplun, Civil And Revenue District- Ratanagiri, Maharashtra.

---- Applicants

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Kanker, Civil and Revenue District- North Bastar, Kanker, Chhattisgarh.

---- Respondent

For Applicants : Shri Sunil Sahu, Advocate.

For Respondent/State : Shri Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

02/05/2019

1. The Applicant have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 340/2018, registered at Police Station – Kanker, District – North Bastar Kanker, (C.G.) for the offence punishable under Section 420/ 34 of the IPC.
2. As per the prosecution story, Complainant Shabbir Adwani lodged a written report against the Applicants with the averments that in the year 2015, he entered into an agreement with the Applicants for some business. On 26.03.2015, Applicants came to the house of the

Complainant and at that time Complainant gave a sum of Rs. 20,00,000/- cash to both the Applicants. At time time, Applicants assured the Complainant that they would give him 30% of the profit amount from running the School Business. Thereafter, when the Complainant demanded 30% of the profit amount, then Applicants handed over him a cheque of Rs. 12,00,000/- on 15.09.2018 which was deposited for encashment but the same was dishonored on 25.09.2018 due to closure of account. On the basis of the said allegation, offence has been registered. Applicants were taken into custody on 05.03.2019.

3. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case due to some dispute between the parties. He further submits that both the parties have settled their matter and an agreement has already been executed in this regard on 11.03.2019. Since charge-sheet has not been filed yet, therefore, they are unable to submit any application for compounding the offence before the Trial Court. Applicants are in custody since 05.03.2019 and trial will take time. Therefore, they may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence

collected by the prosecution and further considering the fact that both the parties have already settled their matter, Applicants are in custody since 05.03.2019 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.

7. Accordingly, the bail application is allowed.
8. It is directed that the Applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 1,00,000/- each with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge