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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2429 of 2019**

Sudeep Barodkar (wrongly written as Sandeep Barodkar), S/o. Dilip Barodkar, Aged About 29 Years, R/o. Geetajali City Phase -I, Quarter No. D 9, Bahatarai Road, Sarkanda, Bilaspur District Bilaspur Chhattisgarh.

---- Applicant***Versus***

State Of Chhattisgarh, Through : The Station House Officer, Police Station City Kotwali, Raigarh District Raigarh Chhattisgarh.

---- Respondent**M.CR.C. No. 2603 of 2019**

Sudeep Barodkar (wrongly written as Sandeep Barodkar), S/o. Dilip Barodkar, Aged About 29 Years, R/o. Geetajali City Phase -I, Quarter No. D 9, Bahatarai Road, Sarkanda, Bilaspur District Bilaspur Chhattisgarh.

---- Applicant***Versus***

State Of Chhattisgarh, Through : The Station House Officer, Police Station City Kotwali, Raigarh District Raigarh Chhattisgarh.

---- Respondent***AND*****M.CR.C. No. 3230 of 2019**

1. Santosh Kumar Shrivastav, S/o. Awadesh Kumar Yadav, Aged About 45 Years, R/o. Rama Life City, Sakari, Bilaspur District - Bilaspur Chhattisgarh.
2. Jitendra Bhatiya, S/o. Manohar Bhatiya, Aged About 53 Years, Permanent Resident of H. No. - H-76, Plural City, Dunda, Police Station Mujgahan, Raipur District Raipur Chhattisgarh.

---- Applicants***Versus***

State Of Chhattisgarh, Through Police Thana - City Kotwali Raigarh, District Raigarh Chhattisgarh.

---- Respondent

For Applicant : Mr. V.C. Ottalwar with Akhtar Hussain
(in M.Cr.C. No.2429 & 2603 of 2019) Advocates

For Applicant : Mr. Sanjay Agrawal, Advocate
(in M.Cr.C. No.3230 of 2019)

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

15/07/2019

1. All the above bail applications are heard and decided together by this common order as they are arising out of the similar type of incidents.
2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants.
3. The applicants (in M.Cr.C. No.2429 of 2019 and M.Cr.C. No.3230 of 2019), have been arrested in connection with Crime No.280/2017, registered at Police Station –City Kotwali Raigarh, District – Raigarh (C.G.) for the offence punishable under Section 420, 467, 468, 471, 120(B) of the Indian Penal Code and the applicant (in M.Cr.C. No.2603 of 2019) has been arrested in connection with Crime No.703/2018, registered at Police Station –City Kotwali Raigarh, District – Raigarh (C.G.) for the offence punishable under Section 420 & 120(B) of the Indian Penal Code.
4. It is submitted by the learned counsels for the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicants for commission of offence of cheating, forgery etc. In-fact, the applicants, who are directors of the builder company entered into an agreement with the complainant in both the cases for sale of plots. However, the project failed because of which, these applicants have made some refunds from the advances taken from the complainant because they were unable to make the remaining refunds that is why, the false FIR has been lodged. Therefore, it is prayed that the applicants be granted regular bail.

5. On the other hand, learned counsel for the State opposes the bail applications and the submissions made in this respect. It is submitted that there is evidence to show that the applicants had intention to cheat the complainant from very beginning, hence, no case is made out for grant of regular bail.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. In Crime No. 280/2017, the complainant Bharat Kumar Mishra has lodged FIR that he entered into an agreement for purchase of one plot from the applicant Sudeep Barodkar, Santosh Kumar Shrivastava and Jitendra Bhatia and advance of Rs.12,35,000/- was obtained from him, however, the sale deed was never executed in favour of the complainant. The refund that was made through cheque by the applicants, has been dishonored by the bank. Hence, this case.
8. Similar story in Crime No.703/2018 is this that the complainant Sunita Sharma, entered into an agreement for purchase of plot and made payment of Rs.5,22,500/- to the applicant, who was the director of the builder company and no refund has been made to the complainant.
9. Considered on the submissions made and the contents of the case diary. After considering on the entire material present in the case diary of both the cases and finding that it was the business of this applicants to develop and sell the plots in which they have failed, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

10. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
11. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram