

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1033 of 2019

1. Smt. Lata Kochhal W/o Sanjay Kochhal Aged About 43 Years R/o House No. 8/a, Street No. 5, Sector - 9, Bhilai, Tahsil & District Durg Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through District Magistrate, Police Station Balod, District Balod Chhattisgarh.

---- Respondent

MCRCA No. 1111 of 2019

1. Gopal Das Vaishnav, S/o J.D. Vaishnav Aged About 52 Years Director, G.R. Industries, Bhilai, District- Durg, Chhattisgarh, R/001/306, I.E.M.P.H.B. Colony, Bhilai, District- Durg, Chhattisgarh.
2. Yusuf Sarif S/o Mahboob Sarif Aged About 40 Years R/o Mohan Nagar, Durg, District- Durg, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through District Magistrate, Balod District- Balod, Chhattisgarh.

---- Respondent

MCRCA No. 1035 of 2019

- Anil Singh Parihar S/o Late Shivcharan Parihar Aged About 45 Years R/o Singh Construction Company, 274/A, Chouhan Estate, Supela, Bhilai, District-Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Balod, District Balod Chhattisgarh.

---- Respondent

MCRCA No. 1039 of 2019

- Smt. Lata Kochhal W/o Sanjay Kochhal, Aged About 43 Years R/o House No. 8/a, Street No. 5, Sector - 9, Bhilai, Tahsil & District - Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Police Station - Balod, District - Balod, Chhattisgarh.

---- Respondent

&

MCRCA No. 1109 of 2019

1. Gopal Das Vaishnav S/o J.D. Vaishnav Aged About 52 Years Director, G.R. Industries, Bhilai, District Durg Chhattisgarh, R/o 01/306, I.E.M.P.H.B. Colony, Bhilai, District Durg Chhattisgarh.
2. Yusuf Sarif S/o Mahboob Sarif Aged About 40 Years R/o Mohan Nagar, Durg, District Durg Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through District Magistrate, Balod District Balod Chhattisgarh.

---- Respondent

For Applicants : Mr. Pushpendra Singh Baghel & Mr. Ishan Verma,
Advocates.

For Respondent/State: Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

27/08/2019

1. Since the above bail applications are similar in nature and arise out of the same chain of incidents, they are being heard and decided together by this common order.

2. Applicants in all above cases have preferred these applications for grant of anticipatory bail as they apprehend their arrest in connection with Crime No.247/2019 & Crime No.246/2019 (MCRCA No.1109/2019, 1039/2019, 1035/2019) registered at Police Station-Balod, District – Balod (C.G.), for the offence punishable under Sections 420, 34 of Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. The applicants are partners in the firm namely M/s G.R. Industries. In both the cases there had been an agreement with complainant for purchase of diesel & oil on credit. Applicants do not deny that they have made purchase and the payment is due against them and they are ready to make the payment. Some of the cheques that were issued by the applicants on behalf of G.R. Industries have been dishonored regarding which the firm of the applicant is facing trial under the provision of Section 138 of the Negotiable Instruments Act. Thus, it is apparent that a purely commercial transaction is sought to be given the colour of a criminal offence, which is nothing but an abuse of the process of law. Hence, it is prayed that anticipatory bail be granted to be applicants.
4. Learned State counsel opposes the bail applications and the submissions made in this respect. It is submitted that the applicants are engaged in commission of crimes of similar nature. They have not paid dues of numbers of other persons. Therefore, it is a clear case of fraud and cheating on their part and hence, no case is made out for grant of bail.
5. Heard both the parties and perused the case diary.
6. In Crime No.246/2019-the proprietor of Kisan Petrol Pump has lodged

FIR that the applicants entered into an agreement for purchase of diesel on credit but they have not made payment of Rs.23,55,863.53 paise. The cheques given towards payment have been dishonored by the bank.

In crime No.:-247/2019 the proprietor of H.P. Petrol Pump has lodged FIR stating similarly that the applicant entered into an agreement for purchase of diesel and oil and at present of Rs.18,98,232.26 paise is outstanding. The cheques given towards payment have been dishonoured by the bank.

7. After considering on all the facts and circumstances of this case, it is found that these applicants have not been able to perform their part of obligation i.e. payment of the dues, and therefore complaints have been made against them. In these circumstances, I am of this view that all the applicants deserve to be released on anticipatory bail.
8. Accordingly, the anticipatory bail applications of applicants are allowed and it is directed that in the event of their arrest in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :-
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing

such facts to the Court or to any police officer;

- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha