

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 7078 of 2018

- Harshad Naik S/o Sudhir Naik Aged About 39 Years R/o J.N.-2, Building-06, House No.- A, Sector- 10, Police Station- Wasi, District- Thane, Navi Mumbai., District : Thane, Maharashtra

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Civil Line, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. V.R. Tiwari, Advocate.
For Non-applicant	: Mr. Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

13.03.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 515/2018 registered at Police Station Civil Line, Raipur, District- Raipur (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 120-B/34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that complainant Anil Khandelwal is the proprietor of Kava Drug Distributor. He had given supply order of herbal nut known as mogango to Royal Trading Merchant. The consideration was Rs. 10,00,000/-. Coaccused Priyanka Jain is the owner of the said Merchant. On the saying of Priyanka Jain said complainant had deposited Rs. 3,00,000/- in the account of applicant. Thereafter, the Royal Trading Merchant did not supply the said seeds to the complainant.
4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
6. As per the photocopy of the alleged Ikrarnama dated 06.09.2018 which is part of the bail petition, matter has been compromised between complainant and applicant. Brother of the applicant had given Rs. 1,50,000/- cash and Rs. 1,50,000/- by cheque to the complainant. He is not inclined to take any action against the applicant.
7. As per the true copy of the statement of the complainant Anil Khandelwal which is part of the bail petition, he had stated that he had compromised the matter with the applicant and he received Rs. 3,00,000/- from the applicant.
8. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE