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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5953 of 2019**

1. Santosh Shrivastav S/o Awadesh Kumar Shrivastava (wrongly typed as S.K. Shrivastava) Aged About 48 Years R/o Q. No. B-19, Rama Life City, Sakari, Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Jitendra Bhatiya S/o Late Monohar Lal Bhatiya Aged About 53 Years Permanent R/o Sa. S.M.I.G. 43 Parijat Kaisal, Ring Road No.1 Civil Line Bilaspur At Present R/o H.No. H-76, Floral City Old Dhamtari Road Sejbahar Thana- P.S. Mujgahan, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through Police Thana- Jhagrakhad, District- Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent**And****MCRC No. 6202 of 2019**

- Sudeep Barodkar S/o Late Dilip Barodkar Aged About 37 Years R/o. D-09 Geetanjali City P.S.- Sarkanda, Bilaspur, Tah. And District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through - The Station House Officer, Police Station Jhagrakhand, Dist- Koriya Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicants	:	Shri Sanjay Agrawal, Advocate in MCRC No.5953/2019.
For Applicant	:	Shri V.C. Ottalwar, Advocate in MCRC No. 6202/2019
For Respondent	:	Shri Wasim Miyan, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23/10/2019**

1. As both the MCRCs arise out of same crime number, they are being heard and disposed of by this common order.
2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for releasing the applicants on regular bail.
3. The accused/applicants have been arrested in connection with Crime No.23/2018 registered at Police Station - Jhagrakhand, District Korea(C.G.) for the offence punishable under Sections 420, 120B, 409 r/w 34 of the IPC and Section 138 of the Negotiable Instruments Act and Section 4 (10) of the Chhattisgarh Nikshepakon ke Hiton Ka Sanrakshan Adhiniyam, 2005.
4. As per the case of prosecution, the complainant Smt. Roopa Sinha lodged a report that she booked a plot in the year 2015 under the Scheme of Adhiraj Infrastate Pvt. Ltd., Bilaspur and paid Rs.3,16,800/- as booking amount and balance amount of Rs.4,75,200/- was to be paid in two installments. But the applicants, who are partners of the said company, did not execute a sale deed in favour of the complainant as assured and ultimately when the complainant demanded the amount, post dated cheques were issued to the complainant which were dishonored, thereby committed offence under Sections 420 and 120B of

the IPC and Section 138 of the N.I. Act, 1881.

5. Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question. They have not committed any fraud. They are reputed persons and are running their business smoothly and due to some reasons, they could not execute the sale deed. They submit that the applicants have already been enlarged on bail by this Court in similar case vide order dated 15.7.2019 passed in MCRC No.2429/2019 and connected MCRCs and in MCRC No.9982/2018 vide order dated 24.4.2019. They further submit that the applicants are in jail since 20.6.2019 and the trial is likely to take some time for its final disposal, therefore, they may be released on bail.
6. On the other hand, counsel for the State opposes the bail applications.
7. Considering the facts and circumstances of the case, in particular, the nature of allegations against the applicants and the fact that the FIR has been lodged only after dishonour of the cheque and further considering that they have already been enlarged on bail in similar case; the applicants are in jail since 20.6.2019 and trial is likely to take some time, I am of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the applications filed under Section 439 Cr.P.C. are allowed. It is directed that the applicants shall be

released on bail on each of them furnishing a personal bond in sum of Rs.50,000/- with two sureties each in like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed till the disposal of the trial.

9. Certified copy, as per rules.

Sd/

(Rajani Dubey)
Judge

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