

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 485 of 2020**

1. Rajkumar Gupta S/o Shri Loknath Gupta Aged About 60 Years R/o Village Kelhari Post And Police Station Kelhari, Tahsil Manendrgarh, District Korla Chhattisgarh
2. Aman Kumar Gupta S/o Rajkumar Gupta Aged About 22 Years R/o Village Kelhari Post And Police Station Kelhari, Tahsil Manendrgarh, District Korla Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Manendragarh, District Korla Chhattisgarh

---- Respondent

For Applicants	:	Shri Y.C.Sharma, Advocate
For State	:	Shri Sudeep Verma, Dy. Govt. Adv.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****26/06/2020**

Heard.

The applicants are apprehending their arrest in connection with Crime No.56/2020 registered at Police Station – Manendragarh, District - Korliya (CG) for alleged commission of offences under Section 406, 420, 507, 34 IPC.

2. Prosecution case is that the applicants, without any intention of paying consideration towards purchase of Mahua, purchased huge quantity of Mahua in 52 tons from the complainant of the value of Rs.19,10,612/- in the year 2016. Thereafter, the applicants failed to pay the entire sale consideration and according to the complainant, the applicants only paid Rs.5,50,000/- and balance amount of more

than Rs.13 lakhs have not been paid. In this manner, the applicants cheated the complainant.

3. Learned counsel for the applicants would argue that the applicants have been falsely implicated at the instance of the person against whom, they have filed complaint before the Magistrate in September, 2019 alleging that Mahua of the value of Rs.72,23,850/- was deposited in the cold storage of the proposed accused in the complaint and they are not paying the amount. He has also filed a case before the Consumer Forum. According to the applicants, after they filed complaint against the proprietor and owner of the cold storage, they got false report lodged in February, 2020 in respect of the alleged sale and purchase of 52 tons of Mahua way back in the year 2016. He submits that the allegation of applicants having purchased 52 tons of Mahua from the complainant is false, fabricated and not supported by any material. There is no document evidencing agreement nor payment of amount to the applicants by the complainant.

4. On the other hand, learned State counsel opposes bail application and submits that the complainant has lodged report in the police station making clear allegation that in the year 2016, the applicants had purchased 52 tons of Mahua from the complainant towards which, the applicants were to pay Rs.19,10,612/-. But the applicants are not paying the whole amount for the last four years and they have only paid Rs.5,50,000/- and huge balance remains unpaid.

5. On *prima facie* consideration, the dispute between the parties appears to be non-payment of alleged amount towards consideration in sale of Mahua in the year 2016. Moreover, the applicants have also placed on record, copy of complaint filed before the Magistrate and complaint before the Consumer Forum in which they have sought recovery from the owners of a particular cold storage. The present report has been lodged in the police station against the present applicants only on 27/02/2020 in

respect of the old transaction in the year 2016. Therefore, present is a fit case for grant of anticipatory bail to the applicants.

6. Accordingly, this application is allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and they shall abide by all the following terms and conditions -

- (i) that the applicants shall make themselves available for interrogation by a Police Officer as and when required;
- (ii) that they 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 them 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.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge