

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2218 of 2021

Naresh Katariya Aged About 38 Years S/o Late Girdhari Lal
Katariya R/o House No. 501, Block Rose, Royal Green, Nirejanpur,
Indore, Police Station Lasodiya (MP) Mobile No. 9300200978

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station New Rajendra
Nagar, District Raipur Chhattisgarh.

---- Respondent

For applicant - Shri N. Naha Roy, Advocate.
For Respondent/State – Smt. Astha Shukla, PL.
For complainant -Shri Bhaskar Payashi, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

26/07/2021

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.402/2019 registered in Police Station New Rajendra Nagar, Dist. Raipur (C.G.) for offence punishable under section 420 of Indian Penal Code.
2. As per the prosecution case, a report was made by the complainant that the present applicant who is the owner of Vaishnavi Sales and Services used to supply the medical equipments, the complainant who are the director of the Parth Sheel Health Care Private Limited ordered for certain cath-lab machine, the quotation was given for an advance machine, however when delayed supply was made, the applicant did not come and installed the machine, therefore when it was opened in the presence of the police it was found that machine was an out dated was a garbage machine has been supplied of which the production has been stopped 10 years prior to the date of order. Therefore intentionally fraud has been committed by giving a quotation of an amount of Rs.84 lakhs out of which Rs.54 lakhs was paid.

3. Learned counsel for the applicant submits that it is entirely civil transaction, the allegation of the complainant is that out dated machine was supplied, however it was inspected while the supply was made and the machine is covered under the guarantee, therefore civil liability is being converted into criminal one, therefore the applicant may be released on bail.

4. Per contra, learned State counsel and learned counsel for the objector vehemently opposes the prayer for grant of bail and would submit that the applicant deliberately supplied the out dated old machine instead of the machine which finds in the quotation list. It is further submitted that the false averments have been made deliberately to deceive the complainant. It is further submitted that in the past also the applicant is in habit of doing such things and similar type of cases were registered against the applicant, therefore the applicant may not be released on bail.

5. Perused the documents. After perusal of the copy of the charge sheet which is filed it appears that all the documents which have been placed on record the evidence would be documentary in nature and the applicant is in jail since 29/12/2020. Considering the fact that charge sheet has been filed, no further investigation would be necessary, therefore this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE