

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 664 of 2021

- Chandresh Kumar Natvarlal Madhu @ Chandresh Madhu, S/o Natwar Lal Madhu, aged about 37 years, R/o 187, East Mangalwar Peth, Shraddha Villa, Mahadev Road, Solapur, Maharashtra.

---- Applicant

Versus

- State of Chhattisgarh Through the Station House Officer, Police Station Maana Camp, Raipur, District Raipur (CG)

---- Non-applicant

For Applicant	:	Mr. R. Pradhan, Advocate
For Non-applicant	:	Mr. Vimlesh Bajpai, Govt. Advocate
For Complainant	:	Mr. Kasheek Shakeel, Advocate

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

16/7/2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No.35/2021 registered at Police Station Maana Camp, Raipur, District Raipur (CG) for commission of offence punishable under Sections 406 & 420 of the Indian Penal Code.
2. As per case of the prosecution, present applicant is working for M/s Hinglaaj Enterprises, Solapur (Maharashtra) which is owned by Hitesh Madhu, brother of present applicant. In between 8.11.2017 to 13.3.2018 the complainant has paid total amount of Rs.57 Lakhs to present applicant for supply of sugar to him, but sugar has not been supplied by present applicant to the complainant, as agreed. When the complainant approached present applicant and his brother Hitesh Madhu, they gave assurances of supply, but failed to supply sugar. Therefore, the complaint was lodged based on

which instant crime is registered against present applicant and his brother Hitesh Madhu, owner of M/s Hinglaaj Enterprises, Solapur.

3. Mr. R. Pradhan, learned counsel for applicant submits that M/s Hinglaaj Enterprises, Solapur is engaged in trading sugar since the year 2004. Upon receiving the order and advance from the purchasers, present applicant used to deposit amount with the concerned sugar company and on receipt of sugar from sugar company, the same is supplied to the purchaser from whom order and amount is accepted by them. He submits that amount taken from the purchasers/ dealers has been deposited with concerned sugar company but due to loss in business, said sugar company was closed, therefore, supply of sugar could not be made. He further submits that M/s Hinglaaj Enterprises filed case before the National Company Law Tribunal at Mumbai and the proceedings are pending for consideration. He further submits that M/s Hinglaaj Enterprises has also filed a civil suit against said sugar company for refund of money to the tune of Rs.18,23,65,635/-. Present applicant has not committed offence of cheating with any of the purchasers of sugar as after receiving amount from the purchasers concerned, the same was deposited with the sugar company for supply. He further submits that complainant has put in appearance through his counsel and also filed memo of submissions stating therein that the complainant is having no objection if present applicant is enlarged on anticipatory bail. He further submits that some other purchasers of sugar have also lodged complaint against Hitesh Madhu, brother of present applicant, and he has been granted anticipatory bail by Co-ordinate Bench vide order dated 6.5.2019 in M.Cr.C.(A) No.512/2019 & 513/2019.
4. Mr. Vimlesh Bajpai, learned Government Advocate for the State opposes the submissions made by learned counsel for

the applicant and submits that as per complaint lodged, present applicant and one Hitesh Madhu has obtained Rs.57 Lakhs from the complainant for supplying sugar but neither sugar is supplied nor amount has been returned to the complainant. Period of making payment, as per record, is between 8.11.2017 to 7.3.2018 and the complainant has lodged report in the year 2021.

5. Shri Kashif Shakeel, learned counsel for complainant submits that initially the complaint was lodged mentioning that even after deposit of huge amount of Rs.57 Lakhs, present applicant and owner of M/s Hinglaaj Enterprises, Solapur have not supplied sugar as agreed nor returned the amount. During pendency of this application, said Hitesh Madhu was arrested and thereafter settlement has been arrived at between the complainant and accused persons. Now the complainant is not having any objection if present applicant is granted anticipatory bail.
6. I have heard learned counsel for the parties.
7. Taking into consideration the nature of allegations levelled against present applicant, the fact that proceedings for recovery of money filed by Hitesh Madhu, owner of M/s Hinglaaj Enterprises, Solapur (Maharashtra), are pending before the competent civil Court at Solapur (Maharashtra), case is pending before the NCLT and submissions made by learned counsel for complainant regarding amicable settlement between complainant and present applicant & Hitesh Madhu, owner of M/s Hinglaaj Enterprises, Solapur, without commenting anything on merits of the case, I am of the view that present is a fit case where applicant should be granted anticipatory bail.
8. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question, he shall be released on anticipatory bail by the officer arresting him on his executing a personal bond in the

sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Arresting Officer. The applicant shall also abide by the following conditions :

- (i) that he shall make himself available for interrogation before the Investigating Officer as & when required;
- (ii) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-