

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4580 of 2020

1. Pawan Kumar Agrawal, S/o Jainarayan Agrawal, Aged About 49 Years, R/o Ward No.3, Tilda, Nevra, Tehsil Tilda, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Deepak Agrawal, S/o Jainarayan Agrawal, Aged About 48 Years, R/o Ward No.3, Tilda, Nevra, Tehsil- Tilda, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh, through Police Station Kharora, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicants – Shri Manoj Paranjpe, Advocate.

For Non-applicant/State – Shri Ayaz Naved, Govt. Advocate.

Shri R. Manish, Advocate for the objector/complainant.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-07-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 26-06-2020 in connection with Crime No.166/2020 registered at Police Station – Kharora, District- Raipur, Chhattisgarh for the offence under Section 420, 406 read with Section 34 of the IPC.

2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. In fact, the applicants who are proprietors of M/s. Neelam Auto which had an agreement with Shri Ram Finance Company which was of nature of revenue sharing agreement. The allegation that some of the installments received from the customers of M/s. Neelam Auto were not passed on to the Shri Ram Finance Company is not an offence and the FIR lodged is misconceived. It is an act of civil nature. In subsequent development the applicants and the Shri Ram Finance Company both have entered into a

compromise, in pursuance of which some amount has also been paid to the said finance company, therefore, the complainant who is representative of the said finance company has no objection in grant of bail to the applicants. This no objection statement was made before the Sessions Court also, but the same was not considered. An application has also been given to the police authorities in this respect. The applicants are in jail since 26-06-2020. Therefore, it is prayed that this application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application and submits that according to the facts of the case a clear case of fraud and cheating is made out against the applicants. Therefore, they are not entitled for grant of bail.

4. Learned counsel appearing for the complainant- Sandeep Sinha has stated that the complainant has no objection in grant of bail to the applicants. An application has also been filed by the complainant making statement of no objection which is supported with affidavit of complainant Sandeep Sinha himself.

5. Heard learned counsel for the parties and perused the documents.

6. Complainant Sandeep Sinha has lodged the FIR against the applicants stating that the applicants in capacity of partners of M/s. Neelam Auto were entrusted with the responsibility to receive installments from customers and pass on to the Shri Ram Finance Company. It is alleged that amount of Rs. 1,01,27,068/- has been defalcated by the applicants. Hence, this case.

7. Considered on the submissions and also facts of the case. As it appears that the complainant, representative of Shri Ram Finance Corporation Pvt. Ltd. has entered into compromise with the applicants, therefore, I feel inclined to allow this application.

8. Consequently, this application filed by the applicants under Section 439

of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Aadil