
(2021) 08 MP CK 0037

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.38483 Of 2021

Rajendra Patidar S/O Govardhanlal Patidar

APPELLANT

Vs

State Of M.P.

RESPONDENT

Date of Decision : 05-08-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 409, 420

Citation : (2021) 08 MP CK 0037

Hon'ble Judges : Subodh Abhyankar, J

Bench : Single Bench

Advocate : Vikas Rathj, S.R. Saxena

Final Decision : Allowed

Judgement

Subodh Abhyankar, J

This is the first application under Section 439 of Criminal Procedure Code, 1973, as he is implicated in connection with Crime No.340/2021 registered

at Police Station " Kanwan, District " Dhar (MP) for offence punishable under Sections 420, 409 of IPC.

The applicant is in custody since 30.06.2021.

The allegation against the applicant is that he purchased food grains from 34 different agriculturist and has not return the money to the vendors.

Counsel for the applicant has submitted that after such purchase although the applicant had paid substantial amount of consideration to the vendors,

however, some amount has remained to be paid, which comes to Rs.93,76,433/-. It is argued that applicant is a businessman and falsely implicated in

the matter on account of business loss, which he has suffered due to Covid-19. It is submitted that there was total transaction of Rs.5,00,00,000/- after

purchasing the onion, garlic and peas from the various traders and for such purchase the applicant has paid substantial amount, however, he could not

repay some amount which led the complainants to file the complaint against the present applicant. It is also submitted that there is no intention of the

applicant to cheat the vendors and still he want to repay the remaining amount due to the vendors.

It is further submitted that the charge-sheet has already been filed, the applicant is in jail since 30/06/2021 and final conclusion of the trial is likely to

take sufficient long time. Hence, it is submitted that the bail application be allowed and he be released on bail.

Counsel for the respondent / State, on the other hand has opposed the prayer, however, it is not denied that the applicant has paid substantial amount

but still a sum of Rs.93,76,433/- is yet to be paid to the concerned vendors.

Having considered the rival submissions, perusal of the case diary and taking note of the fact that the charge-sheet has already been filed, applicant is

still willing to pay the remaining balance to the vendors, finding force with the contentions raised by the counsel for the applicant and the fact that the

final conclusion of the trial is likely to take sufficient long time, in the considered opinion of this Court, the applicant's application deserves to be

allowed.

Accordingly, without commenting on the merits of the case, the application filed by the applicant is allowed. The applicant is directed to be released on

bail upon furnishing a personal bond in the sum of Rs.50,000/- (rupees fifty thousand) with one solvent surety of the like amount to the satisfaction of

the trial Court for his/her regular appearance before the trial Court during trial with a condition that he / she shall remain present before the court

concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

It is also observed that if the applicant is found in any of the criminal activities, after his / her release on bail, then the present bail order shall stand

cancelled without further reference to this Court; and the State / prosecution will be free to arrest the accused in the present case also.

This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy as per rules.