

**HIGH COURT OF M.P. : BENCH AT INDORE****M.CR.C. No.38483/2021****Rajendra Patidar S/o Govardhanlal Patidar vs. State of M.P.****Indore : 05/08/2021 :-**

Shri Vikas Rathi, learned counsel for the applicant.

Shri S.R. Saxena, learned DAG for the non-applicant/State.

Heard through Video Conferencing. Case-diary perused / challan papers.

**ORDER**

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.

**(Subodh Abhyankar)**  
**Judge**

**Aiyer\***