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**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

**BEFORE
HON'BLE SHRI JUSTICE SATYENDRA KUMAR SINGH**

ON THE 2nd OF DECEMBER, 2022

MISC. CRIMINAL CASE No. 54820 of 2022

BETWEEN:-

**SMT. MONIKA W/O ASHISH PUROHIT, AGED ABOUT 45
YEARS, OCCUPATION: HOUSEWIFE FLAT NO. 180
AMRIT APARTMENT SAHKAR NAGAR NR KARUNA
LAWN NAGPUR MAHARASHTRA (MAHARASHTRA)**

.....APPLICANT

(BY SHRI HIMANSHU JOSHI, ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH POLICE STATION
KOTWALI DISTRICT UJJAIN (MADHYA PRADESH)**

.....RESPONDENTS

***(BY SHRI KAPIL MAHANT, PANEL LAWYER)
(SHRI ABHISHAY JAIN, ADVOCATE FOR THE OBJECTOR)***

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*This application coming on for order this day, the court passed the
following:*

ORDER

Heard with the aid of case diary.

This is the first application filed under Section 439 of Cr.P.C for grant of bail to the applicant, as he has been arrested on 30.10.2022 in connection with Crime No.269/2022 registered at Police Station Kotwali, District Ujjain (M.P.) for commission of offence punishable under Sections 420, 409, 406 and 34 of IPC.

Prosecution story, in brief is that applicant and her husband co-accused Ashish Purohit impersonated themselves as distributor of products of Delight

Company, Ratnagiri Maharashtra, induced and instigated complainant to take agency of the products of aforesaid company at Ujjain. Applicant and her husband co-accused were close relatives of the complainant, therefore, complainant trusting them agreed to take agency from them. Applicant alongwith her husband co-accused Ashish Purohit executed an agreement/contract in this regard and took an amount of Rs. 25,65,000/- from the complainant, but did not supply the products required by the complainant and misappropriated an amount of 15,46,778/-.

Learned counsel for the applicant submits that admittedly applicant and complainant are close relatives and were having financial transactions prior to execution of contract in dispute for distributorship of product of Delight Company, Ratnagiri, Maharashtra. It is apparent from the record that at the time of contract, applicant gave several cheques as security to the complainant. It is also apparent that applicant and her husband co-accused Ashish supplied material/products of Delight Company, therefore, it cannot be said that they executed the contract with an intent to cheat the complainant. Complainant herself in her complaint stated that only an amount of Rs. 15,46,778/- is due against the applicant. Hence, ingredients of Section 420 of IPC do not get attracted in the matter. All the alleged transactions were business transactions and dispute between the parties is purely civil in nature. Moreso, applicant being a lady is in custody since 30.10.2022. Her custodial interrogation/custodial trial is not required in the matter. Charge-sheet has been filed. Trial will take time to conclude and therefore, in the aforesaid circumstances, applicant is entitled for grant of bail.

Learned Public Prosecutor for the non-applicant - State as well as objector vehemently opposes the application and submit that applicant

alongwith her husband co-accused knowing the fact that their distributorship was terminated by the Delight Company Ratnagiri, Maharashtra, even then they induced and instigated the complainant to take agency of the aforesaid company and thereby executed contract and took an amount of Rs. 25,65,000/- but did not supply the products. Offences alleged against the applicant are serious in nature., therefore, applicant is not entitled for grant of bail.

Heard, learned counsel for parties and perused the record.

It is apparent from the record that applicant and complainant are close relatives. They were having moneyransactions prior to the execution of contract in dispute. Complainant herself in her complaint stated that applicant took an amount of Rs. 25,65,000/- and supplied only 40 items ordered by the complainant amount to Rs. 3,50,000/-. She also stated that applicant supplied 260 items amounting to Rs. 8,20,000 without any order. In view of the aforesaid, it appears that there were business transactions in between the parties.

Considering the fact that applicant being a lady is in custody since last two months, her further custodial interrogation/custodial trial is not required in the matter, so also considering overall material produced, this Court is of the view that applicant deserves to be enlarged on bail, hence, without commenting anything on the merits of the case, the application is allowed.

It is directed that the applicant is directed to be released on bail upon her furnishing personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand only)** with a solvent surety in the like amount to the satisfaction of the concerned Court for her appearance before the Trial Court on all such dates as may be fixed in this behalf by the Trial Court during the pendency of trial. It is

further directed that applicant shall comply with the provisions of Section 437
(3) of Cr. P. C.

This application is allowed and stands disposed of.

Certified copy, as per Rules.

(SATYENDRA KUMAR SINGH)
JUDGE

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