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MCRC-31702-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI

ON THE 30th OF JANUARY, 2025MISC. CRIMINAL CASE No. 31702 of 2024*SHIVKUMAR**Versus**MESSERS C L SCRAP TRADERS RAVI KUMAR JAISWAL*

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Appearance:

Shri Nitin Parashar - Advocate for the applicant.

Shri Manish Yadav - Advocate for respondent.

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ORDER

This first bail application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (equivalent to Section 438 of Cr.P.C.) has been filed by the applicant Shivkumar S/o Rameshwar Prasad Gupta for grant of anticipatory bail, who is apprehending his arrest in connection with private complaint/RCT No.1530/2023 registered under Sections 200 and 201 of Cr.P.C. in relation to the offence punishable under Sections 420, 406, 467, 468 and 471 of the IPC.

2. The allegation against the applicant and co-accused is that they have committed a fraud and cheating by taking an amount of Rs.70,00,000/- from the complainant which was handed over to them in cash in pursuance to an agreement to sale of scrap by co-accused Raman Aggrawal. In pursuance to the agreement to sale dated 30/09/2022, a total amount of Rs.13.21 crores which was entered into between applicant and the present complainant. An



amount of Rs.7.75 Crores has been paid out of which Rs.1.56 Crores have been returned but there is a dispute about remaining amount of Rs.6.21 Crores towards the applicant/co-accused as per the terms and conditions of the sale agreement dated 30/09/2022. Applicant along with other co-accused conspired to commit fraud with the complainant committed breach of trust by forging the documents, therefore, complaint was filed before the Court of Judicial Magistrate First Class, Dhar, District Dhar, wherein cognizance has been taken against the applicant. Applicant is apprehend his arrest in the case. Hence, anticipatory bail application.

3. Learned counsel for the applicant submits that applicant is innocent and has falsely been implicated in the crime. There is no sufficient evidence available on record to establish the complicity of the accused with the alleged crime. He is the person who convened a meeting between Parasrampuriya Synthetic Limited Company and M/s. C.L.Scrap Traders, who have been entered into agreement to sale (Annex.-P/2) for sale and purchase of scrap. Co-accused Smt. Smitashri and Kunal Prabhat Pandit have been granted benefit of anticipatory bail *vide* order dated 27/06/2024 passed in M.Cr.C.No.17324/2024. He is ready to abide by all the terms and conditions which may be imposed by this Court while granting anticipatory bail. There is no likelihood of his absconding or tampering with evidence. He will cooperate with the investigation. On these contentions, learned counsel prays for allowing the application for grant of anticipatory bail.

4. Per contra, learned counsel for the complainant / respondent No.1 has vehemently opposed the prayer and prays for dismissal of the bail



application.

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

6. Considering the overall facts and circumstances of the case and without commenting upon the merits of the case and also considering the statement made by the counsel for the applicant that applicant will cooperate in the investigation, this court deems it appropriate to allow this application as similarly placed other co-accused persons have already been granted the same benefit. Accordingly, the application is allowed. In the event of arrest, subject to the verification of the fact that the applicant is the first offender, he is directed to be released on bail on furnishing a surety bond in the sum of **Rs.1,00,000/- (Rupees One Lakh Only)** with separate solvent surety in the like amount to the satisfaction of Arresting Officer/trial Court.

7. This order will remain operative subject to compliance of the following conditions by the applicant :-

1. The applicant/s will comply with all the terms and conditions of the bond executed by him/her;

2. The applicant/s will cooperate in the investigation/trial, as the case may be;

3. The applicant/s will not indulge himself/herself/themselves in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them/her/him from disclosing such facts to the Court or to the Police Officer, as the case may be;

4. The applicant/s shall not involve any other offence, in case the applicant/s indulge in any other criminal case the benefit of bail as extended



by this Court shall automatically cancelled.

5. The applicant/s will not seek unnecessary adjournments during the trial;

6. The applicant/s will not leave India without previous permission of the trial Court, as the case may be.

8. With the aforesaid, anticipatory bail application stands allowed and disposed off.

Certified copy as per rules.

(BINOD KUMAR DWIVEDI)
JUDGE

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