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MCRC-31722-2024

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI

ON THE 30<sup>th</sup> OF JANUARY, 2025MISC. CRIMINAL CASE No. 31722 of 2024*RAMAN AGGARWAL**Versus**M/S. C.L. SCRAP TRADERS AND OTHERS*

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Appearance:

*Shri Vijay Kumar Asudani - Advocate for the applicant.*

*Shri Manish Yadav - Advocate for respondent No.1.*

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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 Raman Aggarwal S/o Rakesh Aggarwal 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, 467, 406, 468, 471 and 120-B 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 applicant Raman Aggrawal. Agreement to sale dated 30/09/2022, for total amount of Rs.13.21 crores 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 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 apprehending 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. Complainant himself has not complied with the condition No.3 of the agreement to sale and without complying with the aforesaid terms, 27 trucks of the scrap have been taken away by the complainant. The cheque given for payment of Rs.2.5 Crores have been dishonoured for which a complaint under Section 138 of Negotiable Instruments Act, 1881 has been filed against the complainant. As a counter blast, this complaint has been filed against the applicant. Civil case has been given colour of criminality. No offence has actually been committed by the applicant. Even GST return has not been filed by the complainant even after the order by this Court just to suppress the facts. 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 on the ground that complainant in compliance of the agreement to sale has already paid an amount of Rs.7.75 Crores out of which Rs.1.56 Crores have been returned back but rest of the amount is with the applicant. No material has been stolen



away by the complainant, who is from Prayagraj. It is not possible for him to stole 27 trucks of scrape material from the applicant. Learned counsel has drawn attention of this Court towards various paras of the complaint and documents filed by him to show that complaint filed by the applicant is filed as a counter blast against the applicant for filing a complaint against him. No report has been lodged by the applicant against the complainant for alleged commission of theft of 27 trucks of scrap. He further submits that if the applicant is given benefit of anticipatory bail, then purpose of filing of complaint will be failed as he has already duped huge amount of the complainant.

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

6. It is not in dispute that anticipatory bail has to be granted only in exceptional circumstances, where prosecution is malicious or the applicant has been falsely implicated in the case.

7. In the aforesaid facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the applicant Raman Aggarwal. Accordingly, the anticipatory bail application stands dismissed.

Certified copy as per rules.

(BINOD KUMAR DWIVEDI)  
JUDGE