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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./3827/2024

NARAYAN SHARMA
S/O LATE JAGDISH SHARMA
R/O SILAPATHAR MAIN ROAD,
NEAR BRAHMAPUTRA HOTEL,
P.S. SILAPATHAR
DIST. DHEMAJI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A CHAUDHURY, MR. D BORA, MR. N MAHAJAN, MR. P K DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

12.12.2024

Heard Mr. B K Mahajan, learned counsel for the petitioner and Mr. D Das, learned Additional Public Prosecutor, Assam.

By this application filed under Section 483 of the BNSS, 2023 by the petitioner, namely, Sri Narayan Sharma, has prayed for release on bail, who was arrested in connection with Silapathar P.S. Case No. 227/2024.

The younger brother of the petitioner issued two post dated cheques to the informant for purchasing some articles. The present petitioner took delivery of the goods from the informant. Thereafter, on production of the cheques, it was found that there was no money in the bank account.

In support of his case, Mr. Mahajan has relied upon a decision of the Hon'ble Supreme Court that was rendered in the case of *Jay Shree and Another vs. State of Rajasthan*, reported in *2024 SCC Online Sc 54*.

In the judgment aforesaid, the Hon'ble Supreme Court has cautioned that civil disputes should not be converted into a criminal case.

I have considered the submissions made by the learned counsel of both sides.

This court is of the opinion that the present case is a civil dispute. The informant has other forums to seek justice.

For the aforesaid reasons, the petitioner does not deserve to be detained in custody for further period of time. Therefore, the bail application is allowed.

Accordingly, it is directed that the petitioner Sri Narayan Sharma, who was arrested in connection with Silapathar P.S. Case No. 227/2024, shall be released on bail of Rs.20,000/- with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Dhemaji.

The bail application is disposed of.

JUDGE

Comparing Assistant