

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4147 of 2015**

Chandra Kumar Jethwani, son of Shri Nandlal Jethwani, aged about 42 years, resident of Chhabra Lodge Gali Lal Bagicha Ward Dhamtari, Police Station Dhamtari, Tehsil Dhamtari, Civil and Revenue District Dhamtari (CG)

---Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Arjuni, district Dhamtari (CG)

---Non-applicant

For Applicant	:	Mr. Sunil Otwani, Advocate
For Non-applicant	:	Mr. O.P.Sahu, Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

20/08/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.134 of 2015, registered at Police Station-Arjuni, Distt.Dhamtari (CG), for the offence punishable under Sections 406 and 420 of the IPC.
2. Case of the prosecution, in brief, is that the present applicant has misappropriated 1720 quintals of paddy amounting to Rs.24,30,250/- and thereby committed the aforesaid offence.
3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. In fact, it is commercial transaction and compromise was entered into the applicant and the complainant. He would further submit that as offences under Sections 420 and 406 of the IPC are compoundable, an application under Section 320 (1) was filed before the trial Court; but the trial Court by its order dated 31.7.2015 has rejected

the same on the ground, which is impermissible in law. He would also submit that the applicant is in jail since 15.6.2015 and charge-sheet has already been filed and therefore, he may be released on regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; nature of dispute; application for compromise has been filed between the applicant and the complainant and pre-trial detention of the applicant, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-