

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2819 of 2016

Sanjay Sharma, S/o. Shri Sridhar Sharma, Aged About 34 Years, R/o.
Ward No.30, Chirimiri, P.S. Chirimiri, Tahsil Khadgava, District Korea,
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Incharge Police Station Manendragarh,
District Korea, Chhattisgarh

---- Respondent

For Applicant : Smt. Usha Chandrakar, Advocate

For Respondent : Shri Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15.06.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.250/2013, registered at Police Station Manendragarh, Distt. Korea (C.G.) for the offence punishable under Section 420 of I.P.C.
2. Case of the prosecution, in brief, is that the applicant entered into an agreement for purchase of a Truck bearing No.M.P.18 G.A. 0976 from the complainant Shahin Siddiqui and an amount of Rs.10,000/- was paid whereas remaining Rs.8,90,000/- was to be paid at the time of transfer and delivery of the vehicle. However, delivery of the vehicle could not take place and the cheque of Rs.8,90,000/- was found to be of a closed account; thereby the offence is committed.
3. Learned counsel for the applicant would submit that the nature of transaction is of civil nature and possession of the Truck was never

handed over to the applicant and the Truck is still in possession of the complainant which would be evident from the agreement. She further submits that the charge sheet in this case has been filed and no further investigation is required; therefore, the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the charge sheet. The agreement is also perused whereby prima facie it appears that the delivery of possession of the vehicle was not made at the time of agreement. Considering the fact that the charge sheet has been filed and the applicant is in jail since 07.02.2016 and no further investigation is required, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his 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.

Sd/-
(Goutam Bhaduri)
Judge