

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7333 of 2015

Radheshyam (Issear), S/o Babunarayan, Aged About 34 Years, R/o. Vill :
Baredbhata, P.S. Kanker, Tehsil & Distt. Kanker, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, City Kotwali,
Bemetara, Distt. Bemetara, Chhattisgarh

---- Respondent

For Applicant : Mr. Ajay Ayachi, Advocate

For Respondent : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05.01.2016

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.563/2015, registered at Police Station– City Kotwali, Bemetara, District Bemetara (C.G.) for the offence punishable under Section 420, 120B/34 of IPC.
2. Case of the prosecution, in brief, is that M/s. Priyansh Technologies made an invitation that on deposit of Rs.35,000/-, LED TV would be provided wherein the persons who are the receiver of the TV has show the advertisement provided by M/s. Priyansh Technologies. On showing the advertisement an amount of Rs.7000/- would be paid per month. Consequently TV was provided to the different depositors and the complainant Shirish Sharma did not receive the LED TV alongwith Kuleshwar Dewangan, Usha Dongre, Vibhansh and Manoj whereas TV were provided to the other 24 persons and

thereafter some amount of Rs.7000/- was also paid to few of the persons except four.

3. Learned counsel for the applicant submits that he do not dispute the fact that M/s. Priyansh Technologies has received the amount but in lieu thereof certain LED TV were also provided and the advertisement having been made, the amount was also paid to the maximum number of persons barring four. It is further submitted that the nature of agreement entered into in between the parties out of the advertisement and the advertisement is being made as per the licence which was held by M/s. Priyansh Technologies, therefore, it is submitted that the nature of allegations are civil in nature as no forgery has been committed.
4. Per contra, learned State counsel opposes the prayer for grant of bail and he would submit that few of the persons were not given money and few of the persons numbering into six were not provided LED TV and as per the licence the company was authorised to make the advertisement and the amount of Rs.7000/- was also adjustable, which is not done.
5. Perused the case diary and the charge sheet which contains different agreement. Perusal of the document would show that the agreement was entered into in between the parties and the evidence are documentary in nature. Considering the facts and circumstances of the case and further considering the nature of allegations made and the business which were adopted and the fact that the charge sheet has been filed, 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 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Ashok