

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 241 of 2016

- Prem Dahere S/o Samaru Dahere Aged About 25 Years
Resident of Village Bhothidih, Civil & Rev. District Bemetara
Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Police Station Bemetara,
Bemetara, District Bemetara Chhattisgarh.-- **Respondent**

For Applicants : Mr. P.P.Sahu, Advocate

For Respondent : Mr. Anupam Dubey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28.01.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.563/2015, registered at Police Station– 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 offer that on deposit of Rs.35,000/-, LED TV would be provided wherein the persons who are the receivers of the TV has show the advertisement made 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 agreements. Perusal of the documents would show that the agreement was entered into in between the parties and the evidence available in this case is documentary in nature. Considering the totality of the facts and circumstances of the case and further considering the nature of allegations made and the business terms which were adopted as also the fact that

the charge sheet has been filed and the applicant is stated to be in jail since 11.10.2015, I am inclined to release the applicants 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 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**

Rao