NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.No. 6580 of 2016

Suresh Dahariya, aged about 31 years, so of Goverdhan Dahariya, resident of Khauna, Police Chowki Silyari, Police Station Dharsiwan, Raipur, Tahsil & District Raipur (C.G). … **Applicant.**

Vs.

State of Chhattisgarh through Station House Officer, Police Sttion Dharsiwan, Raipur, Distt. Raipur (C.G) … **Respondent**

For the applicant : Mr. Vivek Tiwari, Advocate
For the Respondent : Mr. Anil S. Pandey, Govt. Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.11.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 249/2016 registered at P.S. Dharsiwan, Raipur, Distt. Raipur (C.G) for the offence punishable under Section 420 of IPC.
2. As per the prosecution case, a report was made by one Narad Kumar Verma that he paid an amount of Rs.1,50,000/- to the applicant for construction of house but neither the house was constructed nor the amount was returned and the applicant fled away. Subsequently, on investigation it was revealed that in similar manner the applicant had received huge amounts from as many as 89 persons thereby 70,85,000/- was collected and the constructions have not been made.
3. Learned counsel for the applicant would submit that the applicant is a contractor and only on the complainant of one Narad Kumar Verma, the investigation started. He placed various documents alongwith the bail application and would submit that the applicant has already completed maximum construction of the house but it could not be

completed because of the fact that he was arrested. He further submits that unless and until the applicant comes out, he will not be able to complete the construction works. He further submits that the charge sheet has been filed in this case and the applicant and the complainant have amicably settled their dispute, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.

5. Perused the case diary documents which show that the applicant has entered into compromise with complainant Narad Verma and has returned the amount. With respect to other persons who entered into contract for construction of houses, it is submitted by the counsel for the applicant that the applicant is ready and willing to complete the job which has been assigned under the contract. Also seen various photographs.

6. Considering the totality of the facts and circumstances of the case and the nature of evidence and documents available in this case as also the fact that the charge sheet has been filed in this case and the applicant is stated to be in jail since 17.07.2016, I am inclined to allow this bail application.

7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE

R a o