

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7157 of 2016

Lodhan Ram Jadi, S/o. Charka Ram, Aged About 45 Years, Caste - Turi,
R/o. Village Narayanpur Chirwari, Tahsil- Jashpur, District Jashpur
(Chhattisgarh), Civil & Revenue District- Jashpur, Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh, Through S.H.O. Police Station- Kansabel,
District Jashpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. A.K.Prasad, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18.11.2016

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.37/2016 registered at Police Station- Kansabel, District Jashpur (C.G.) for the offence punishable under Section 420 of Indian Penal Code.
2. As per the prosecution case, a report was made by Ekta Minj and others that the applicant entered into an agreement with different persons and collected an amount of Rs. 4,80,000/- to supply Emu Birds, which is the species of Bird of Australia so as to nurture them for breeding, however, it was not supplied, therefore, the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant had already purchased Emu Birds for about Rs. 6 Lakhs and further he is ready and willing to supply them to the different beneficiaries under the agreement. It is further contended that the nature of dispute is purely civil in nature and no criminality can be attached

and no further investigation is necessary, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. It is stated that the charge sheet has been filed. Considering the facts and circumstances of the case and further considering the submission made by the learned counsel for the applicant on the basis of instructions that the applicant is ready and willing to supply the Birds to the beneficiaries, 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