

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8409 of 2016**

Ram Nivas Sharma S/o Late Sitaramji Sharma Aged About 48 Years R/o Village Nimod Police Station Molasar District Nagaur Rajasthan Presently Residing At Shankar Nagar Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate Durg, Chhattisgarh.

---- Respondent

For applicant - Smt. Hamida Siddiqui, Advocate.
For Respondent/State – Shri Neeraj Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****3/01/2017**

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.297/2016 registered in Police Station Pulgaon Distt. Durg (C.G.) for offence punishable under section 406 & 409 of Indian Penal Code.
2. As per the prosecution case, FIR was lodged against the applicant who is owner of M/s Ganpati Sales Corporation that he received 24000 quintal of paddy for custom milling out of that 67 % rice 16013.80 quintal was to be deposited instead the applicant only deposited 12660.54 quintal and rest 1412.88 quintal of rice was not deposited which amounted to Rs.34,09,501/- and further interest. It is alleged that despite the deposit FDR which were deposited were set off against the FDR which was deposited and cheque which was given as security when was deposited got bounced. Thereby, offence has been committed.
3. Learned counsel for the applicant submits that the applicant has

been falsely implicated in the case, entire tenure of the case is that of civil nature and by deposit of security amount entire recovery has been made, thereby no offence is made out as in lieu of the rice amount has been recovered. She submits that charge sheet has been filed, no further investigation is necessary, therefore the applicant may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the case diary and the documents. Charge sheet in this case has been filed. Offence is alleged to have been committed for non deposit of the rice after custom milling and primarily it shows that some of the recovery has been made and agreement is also existing between the parties. As appears agreement is also part of the case diary. Considering the nature of dispute in between the parties, charge sheet has been filed and all the evidence appears to be documentary in nature and applicant is in jail since 28/10/2016, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE