

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 137 of 2017**

- Bholeshwar Deewan S/o S/o Chhedilal Deewan, Aged About 25 Years R/o Village- Bhanpuri, Police Station- Farasgaon, Revenue And Civil District- Kondagaon Chhattisgarh. --- **Applicant**

**Versus**

- State of Chhattisgarh through the Police Station- Keshkal, District- Kondagaon Chhattisgarh. --- **Respondent**

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| For the applicant  | : | Mr. Praveen Tulsyan, Advocate   |
| For the Respondent | : | Mr. Neeraj jain, Govt. Advocate |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**23.01.2017**

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. 96/2016 registered at P.S. Keshkal, Distt. Kondagaon (C.G) for the offence punishable under Sections 407 & 420 of IPC.
2. As per the prosecution case, a report was made against the present applicant on 15.07.2016 that he went to village Madega where he met the farmers and said that he will make sale of Maize product and consequently large quantity of maize was delivered to the present applicant by the farmers for sale. Thereafter, though the maize was sold but the amount of Rs.9,69,761/- was not paid to the respective farmers, thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the FIR is delayed by one year and one month and the nature of allegations of the dispute is purely civil nature, therefore, no

further investigation is necessary. He further submits that the charge sheet has been filed and the applicant is in jail since 12.08.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary documents and the statements. Considering the facts and circumstances of the case especially the facts that there is delay of one year and one month in lodging the FIR; the charge sheet has been filed and further looking to the period of detention of the applicant, I am inclined to release him on bail.
6. 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**