

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1063 of 2017

Aalok Gupta, S/o. Anirudha Gupta, Aged About 30 Years, Occupation- Contractor, R/o. Village- Barkol, Police Station Bhandariya, District- Gadhwā, Jharkhand. At Present Village- Jhapti, Police Station Balrampur, Tahsil- Pal, District - Balrampur- Ramanujganj, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Gandhinagar, District Surguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. Veenit Kumar Pandey, Advocate

For Respondent : Mr. D.R.Minj, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/03/2017

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.253/2016 registered at Police Station- Gandhinagar, District Surguja (C.G.) for the offence punishable under Section 420 of Indian Penal Code.
2. As per the prosecution case, a report was made by Sanjay Gupta that the present applicant obtained certain iron rods from him of Rs.44,000/- after giving the cheque. Thereafter, the goods were sent and unloaded to the destination as per the applicant but when the cheque was lodged in the Bank for clearance, it bounced. Thereby, the offence has been committed.
3. Learned counsel for the applicant would submit that this is a case of business transaction and the cheque is bounced because

sufficient fund was not there and the applicant also promised to pay as such the case would not fall under Section 420 of IPC. He further submits that the charge sheet has been filed 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. Considering the facts and circumstances of the case, nature of allegation and the fact that charge sheet has been filed and the applicant is in jail since 18.10.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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