

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 1167 of 2017

Chetan Agrawal S/o Shri Vijay Agrawal, Aged About 28 Years R/o
15/15, Uttar Vasundhara Nagar, Police Station Purani Bhilai 3,
District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The District Collector, Durg,
Chhattisgarh.

---- Respondent

For applicant - Shri M.K. Bhaduri, Advocate.
For Respondent/State – Shri Neeraj Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

6/03/2017

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 52/2015 registered in Police Station Jamul, Distt. Durg (C.G.) for offence punishable under section 420/34 of the Indian Penal Code, 1860.
2. Case of the prosecution, in brief, is that a report was made by one Kailash Agrawal that the applicant alongwith other co-accused entered into business transaction with the complainant. Thereafter for the period from 5/11/2014 to 22/12/2014 goods i.e. steel were supplied of Rs.46,66,933/- out of which only Rs.5 lakhs was received whereas for rest of 41,66,933/- payment was not made despite several demands and only assurance was extended. Thereby, fraud has been played by the applicant and the other co-accused and offence has been committed
3. Learned counsel for the applicant submits that complaint itself would show that there was bilateral commercial transaction in between the parties, no offence is made of cheating as no inducement can be

attributed to the applicant. He submits that charge sheet has been filed, no further investigation would be necessary, therefore the applicant may be released on bail.

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

5. Perused the case diary and the documents as also the FIR. Reading of the FIR prima facie would show that business transaction took place in between the parties. Considering the facts and circumstances of the case, charge sheet has been filed, 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