

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1250 of 2017

- Chetan Agrawal S/o Shri Vijay Agrawal, Aged About 28 Years R/o- Plot No. 15/15, Uttar Vasundhara Nagar, Police Station- Purani Bhilai 3, District - Durg, Dhhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through The District Magistrate- Durg (Chhattisgarh) --- **Respondent**

For the applicant	:	Mr. Malay Kumar Bhaduri Advocate
For the Respondent	:	Mr. Anil S. Pandey, Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.03.2017

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. 507/2016 registered at Police Station Jamul, Distt. Durg (C.G) for the offence punishable under Section 420, 406 read with section 34 & 506 of IPC.
2. As per the prosecution case, a report was made by one Kailash Agrawal that the applicant along-with other accused entered into business transaction with the complainant. For the period between 5.11.2014 and 22.12.2014 the goods worth Rs.46,63,933/- were supplied out of which only Rs.5 lakhs was received whereas the payment of Rs.41,66,933/- lakhs was not made despite several reminders except the oral assurance, thereby the fraud has been committed.
3. Learned counsel for the applicant would submit that the complaint itself would show that there was bilateral commercial transaction between the parties and after supply

of goods, certain payments were made and certain amounts have remained due, therefore, it is an out and out civil dispute and no offence is made out. He further submits that the charge sheet has been filed and the applicant is in jail since 05.11.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and documents. It appears that the transaction took place between the parties and the evidence available in this case is documentary nature. Considering such facts situation of the case especially the fact that the charge sheet has been filed and the applicant is in jail since 5.11.2016, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on 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 for his appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**