

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1342 of 2017

- Niraj Chaudhary S/o Vijendra Pal Singh, Aged About 28 Years R/o Plot No. 01 Kailash Nagar Housing Board Bhilai District Durg Chhattisgarh
--- **Applicant**

Versus

- State of Chhattisgarh through Police Station Dharsiva, District Raipur Chhattisgarh
--- **Respondent**

For the applicant	:	Mr. Hemant Kesarwani, Advocate.
For the Respondent	:	Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.03.2017

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. 463/2016 registered at Police Station Dharsiva, District Raipur (C.G) for the offence punishable u/ss 420, 408 & 201 of IPC.
2. As per the prosecution case, a report was made by one Anand Singhai who was partner of Daksh Consultant stating that he used to provide the canteen service to different establishments wherein the applicant was working as Manager. It is alleged that the applicant has opened the account in his own name and the amount due which was paid to Daksh Consultant was deposited in his own account and also obtained various goods and raw-materials on credit total amounting to Rs.7 lakhs and used the same for his own.
3. Learned counsel for the applicant would submit that the applicant was working as Manager in Daksh Consultant since 2012 and the charge sheet would show that the entire

transaction was being made through his personal name. He further submits that the dispute arose when the applicant has placed his tender along-with the complainant, therefore, no offence has actually been committed. He further submits that the charge sheet has been filed, no further investigation is necessary and the applicant is in jail since 27.12.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Considering the facts and circumstances of the case especially the fact that the charge sheet has been filed, offence is triable by the JMFC and the applicant is in jail since 27.12.2016, 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**