

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1364 of 2017

Anuj Prasad Singh, S/o. Kamal Prasad Singh, Aged About 34 Years, R/o. Bhilai, District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- Rudri, District Dhamtari, Chhattisgarh.

---- Respondent

For Applicant : Mr. Goutam Khetrapal, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/03/2017

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.75/2016 registered at Police Station- Rudri, District Dhamtari (C.G.) for the offence punishable under Section 420 of Indian Penal Code.
2. As per the prosecution case, a report was made by one Shyam Kumar that the present applicant Anuj Prasad was awarded a contract for collection of entry fees in Gangrel Dam being the highest bidder. Thereafter, he had submitted a cheque of Rs.1,80,000/- and the contract was awarded to him. Subsequently, he passed an instruction to the Bank for stop payment of the amount; thereby the fraud has been committed.
3. Learned counsel for the applicant would submit that after issuance of cheque, a public statement was made by the Minister of the State that the entry fees procedure has been abolished, as such, the applicant had issued the instruction for stop payment of the cheque. Subsequently, the amount has already been deposited by

Demand Draft of Rs.1,80,000/-, therefore, no offence has been committed; consequently, 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 evidence involved and the fact that the applicant has paid the amount of Rs.1,80,000/-, 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