

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1474 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 Magistrate -Durg, Chhattisgarh,
Through : Police Station - Jamul.

---- Respondent

For Applicant	: Mr. Malay Kumar Bhaduri, Advocate
For Respondent/State	: Mr. Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/03/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.458/2016, registered at Police Station – Jamul, District – Durg (C.G.) for the offence punishable under Section 420 & 406 of the Indian Penal Code.
2. As per the prosecution case, a report was made by one Ramkrishna Dewangan that the applicant along with other co-accused entered into business transaction with the complainant. Thereafter for the period from 16.12.2014 to 17.12.2014, certain steel were supplied of Rs.9,79,275/- and no payment was made despite several demands and only assurance was extended. Thereby fraud has been played by the applicant.
3. Learned counsel for the applicant would submit that this is out and out of business transaction for supply of goods and no fraud has been committed by the present applicant. It is further submitted that charge-

sheet in this case has been filed and no further investigation is necessary and the applicant is in jail since 05.11.2016, therefore, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Reading of the FIR prima-facie would show that it is case of business transaction. Considering the facts and circumstances of the case and further taking into the fact that charge-sheet has been filed and the applicant is in jail since 05.11.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge