

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8446 of 2016

Vijendra Nath Pratap Singh Chandse, S/o. Komal Singh Chandse,
Aged About 28 Years, R/o. Village - Birkona, Police Station & Tahsil -
Pandariya, District – Kabirdham, Chhattisgarh

--- Applicant

Versus

State Of Chhattisgarh, Through : Police Station - Bodla, District –
Kabirdham, Chhattisgarh

--- Respondent

For the Applicant : Mr. Vaibhav A. Goverdhan, Advocate

For the Respondent : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.01.2017

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. 72/2016 registered at Police Station- Bodla, District Kabirdham (C.G) for the offence punishable under Sections 420, 406 r/w Section 34 of Indian Penal Code.
2. As per the prosecution case, a written report was made by one Sriram Markam on 08.02.2014 that the applicant along with other co-accused Satyendra Nath Pratap Singh came to him and settled for purchase of gram on the higher price which was prevailing in the market. Thereafter, negotiated for purchase. Consequently, goods of total amount of Rs.12,56,285/- was handed over and further sale consideration was not paid back.
3. Learned counsel for the applicant would submit that the entire case is of civil nature as it is a monetary transaction in between the parties and the applicant has been falsely implicated. He further submits that

the similarly placed co-accused Satyendra Nath Pratap Singh has been enlarged on bail by this Court on 30.11.2016 in MCRC No.7637 of 2016, therefore, the present applicant may also be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the similarly placed co-accused has been enlarged on bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case, degree of allegation and the fact that the similarly placed co-accused has already been enlarged on bail, 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