

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC(A) No. 435 of 2018**

Bunty Sahu S/o Late Shri Sant Ram Sahu Aged About 37 Years R/o-
 Chatamura Naka, Near F.C.I. Godown, P.S. Kotwali & Tehsil &
 District- Raigarh, Chhattisgarh. **--- Petitioner**

Versus

State of Chhattisgarh through- Station House Officer Kotwali,
 Raigarh, District- Raigarh, Chhattisgarh., District : Raigarh,
 Chhattisgarh **--- Respondent**

For the applicant	:	Mr. Surfaraj Khan, Advocate.
For the Respondent	:	Mr. Ashish Shukla, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****29.06.2018**

1. Apprehending arrest in connection with Crime No. 328/2018 registered by Police Out Post Jute Mill, Distt. Raigarh Police Station Kotwali, (Out Post Jute Mill) District Raigarh (C.G) for the offence punishable u/ss 420 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a report was made by one Gaurav Agrawal that he wanted to purchase certain auto parts from the present applicant who runs an auto shop by name Ravan Auto and paid an amount of Rs.90,000/-with an allurement that certain goods/ auto parts would be supplied at lower price, however, neither the goods were supplied nor the money was returned.
3. Learned counsel for the applicant submits that it is a commercial transaction for purchase of goods at lower prices because of GST which was prevailing. He further submits that the goods have been supplied, however, the allegations cannot meted out with the goods so procured at a lower prices and thereby no criminality exists.
4. Per contra, learned State Counsel opposes the prayer for grant of anticipatory bail.

5. Perused the case diary and the written report of Gaurav Agrawal. Prima facie, it shows that the complaint has been made in respect of commercial transaction therefore the dispute is purely civil in nature.
6. Considering the facts situation of the case and the nature of allegations, I am inclined to admit the applicant to anticipatory bail.
7. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any police officer;
 - (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE