

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2682 of 2018

- Aditya Dubey S/o Ravindra Dubey Aged About 29 Years R/o- Sector-6, Street A.V.A Quarter No. 9/d, Bhilai Nagar, Tahsil And District- Durg, Chhattisgarh.

---- Applicant (in Jail)

Versus

- State Of Chhattisgarh Through- Station House Officer, P.S. Supela, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicant	: Shri B.P.Singh, Advocate
For Respondent/State	: Shri Anupam Dubey, P.L.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

23/05/2018

The applicant has preferred this bail application under Section 439 of the Cr.P.C. as he has been arrested in connection with Crime No. 298/2017 registered at Police Station Supela, district Durg for the offence punishable under Section 420 IPC.

It is alleged that the applicant was working as Store Incharge with Sparsh Hospital, Bhilai. He also opened a firm which was engaged in supply of medicines to various hospitals including the Sparsh Hospital. The present complaint is to the effect that the applicant had obtained payment of Rs. 13,00,000/- from Sparsh Hospital without there being any purchase order for supply of medicines.

Counsel for the applicant submits that the offence alleged is triable by Judicial Magistrate First Class, the applicant is in jail since 05.02.2018 and and the trial may take sometime for its final disposal and therefore he

may be released on bail.

On the other hand, learned counsel for the State opposes the bail application.

It appears that Sparsh Hospital is a private hospital therefore, it is debatable as to what procedure was agreed between the accused and the complainant for supply of medicines. Issuance of tender and observance to the procedure would apply in transaction to any government hospital but not to a private hospital therefore considering all the material aspects of the case, present is considered to be a fit case to release the applicant on bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant furnishing a personal bond of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned court below for his appearance before it as and when directed, he shall be released on bail.

Sd/-

(Prashant Kumar Mishra)
Vacation Judge