

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3623 of 2018**

Dhaneshwar Dhruv, S/o Shantaram, Aged About 32 Years, R/o Village Kurud, Police Station Panduka, District Gariyaband, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Panduka, District Gariyaband, Chhattisgarh.

---- Non-Applicant

For Applicant	: Shri Hemant Kesharwani, Advocate.
For Non-Applicant/State	: Shri Rajkumar Gupta, Deputy A. G.
For Objector	: Shri Raghvendra Pradhan, Advocate.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****30.11.2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of bail, as the applicant, Dhaneshwar Dhruv, has been arrested in connection with Crime No. 18/2018, registered in Police Station Panduka, District Gariyaband (C.G.) for the offence punishable under Sections 420 and 406 of the Indian Penal Code, 1860 (for short 'IPC, 1860').
2. The case of the prosecution, is that one Mohan Lal Sahu, while mentioning the names of as many as 43 farmers of village Kurud,

lodged a written complaint (undated) by alleging, inter alia, that the applicant being a proprietor of Dhaneshwar Trader has purchased paddy from the farmers and assured them to make a payment after a month. However, he did not make any payment of Rs. 54,36,392/- despite of his alleged assurance. It is alleged further by the prosecution that he issued certain cheques to some of the farmers, however, it was dishonoured because of insufficient fund of his account in the concerned Bank. Based upon these allegations, concerned police station has registered the case against him, in relation to the offence punishable under Sections 420 and 406 of the IPC, while arresting him on 31.01.2018.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in connection with the said crime. He submits further that even if the entire prosecution case is accepted as it is, no offence as alleged by the prosecution would be attracted. He submits further that the applicant is in jail since 31.01.2018 and the charge sheet has already been filed, therefore, he may be enlarged on bail.
4. On the other hand, Shri Gupta learned counsel for the State and Shri Pradhan learned counsel for the Objector opposes the bail application by submitting, inter alia, that the manner in which the alleged offence has been committed by the applicant, while assuring the farmers after purchasing paddy, he is not entitled to be enlarged on bail.
5. I have heard the learned counsel for the parties and perused the

entire case diary carefully.

6. Having considered the facts and circumstances of the case, considering further that since the charge sheet has already been filed and there is no possibility of influencing of the prosecution witnesses, I am, therefore, inclined to enlarge the applicant on bail at this stage, who is in jail since 31.01.2018.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs. 1,00,000/- (Rupees One Lakh Only) with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the concerned trial Court on each and every date as and when directed by the said Court.
8. It is made clear that I have not entered into the merits of the case and the trial Court shall not be influenced by any of the observations of mine, while allowing this bail application.

Sd/-
(Sanjay Agrawal)
Judge