

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6261 of 2018

Prashant Kumar Goyal, S/o Late Shivkaran, Aged About 35 Years, Director Konark Global Pvt. Ltd, R/o- 411-A Samta Shopping Arked, Samta Colony, Raipur, Tahsil and District : Raipur, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh, Through- Police Thana- Bhupdevpur, District- Raigarh, Chhattisgarh

---- Respondent

For Applicant	: Shri Sanjay Agrawal, Advocate.
For Complainant	: Shri Ankit Singhal, Advocate
For Respondent/State	: Shri Anil Pandey,G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

19/09/2018

1. The applicant has preferred this first bail application under Section 439 of Cr. P.C. for grant of regular bail as he is arrested in connection with Crime No. 115/2016, registered at Police Station – Bhupdevpur, District – Raigarh (C.G.) for the offence punishable under Sections 420, 34 of the IPC.
2. As per the prosecution story, on 11.07.2016, complainant Jaiprakash , Director of the one JPW Infrastructure Company Ltd. has lodged a report before the police with the averments that on 05.04.2016 complainant placed an order of TMT Bar Angles, Channels etc. worth of Rs.1,93,43,625/- to the applicants company namely Konark Global Private Limited and applicants' company agreed to supply the same in the premises of M/s. S.K.S. Power Generation Company, therefore, on

08.04.2016 complainant transferred Rs.1,95,00,000/- in the account of applicants' company, but the applicants' company did not supplied the goods and cheated the complainant. On the basis of the said report offence has been registered against the applicant and he is in custody since 07.08.2018.

3. Shri Sanjay Agrawal, learned counsel appearing on behalf of the Applicant submits that applicant is innocent and he has been falsely implicated in the present case. He further submits that the present applicant has not committed any offence as alleged by the prosecution and he also stated that during the pendency of this application complainant and the applicant out of the Court, mutually settled their dispute and executed an agreement on 11.09.2018. The complainant has also informed the concerned P.S. regarding the compromise between the parties. He further submitted that the applicant is in custody since 07.08.2018, charge sheet has been filed and trial will likely to take some time and the parties has already been settled their matter out of the Court, therefore, he may be released on bail.
4. Learned counsel appearing on behalf of the complainant also admitted the fact that both the parties have settled their dispute out of the Court.
5. Since both the parties have settled their dispute out of the Court, therefore, learned counsel appearing on behalf of State is also not opposes the bail application.
6. I have heard learned Counsel for both the parties and perused the case diary.
7. Considering the facts and circumstances of the case, further considering the fact that both the parties have settled their dispute out of the Court and the applicant is in custody since 07.08.2018, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.

9. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 10,000/- with one surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge