

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9241 of 2018

- Madhav Kishanrao Biradar S/o Kishanrao Biradar aged about 30 years, R/o Telgaon P.S. Balki, District – Bidar Karnataka

---- Applicant

Versus

- State Of Chhattisgarh Through: Police Station, Khamtarai, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Akhand Pratap, Advocate.
For Respondent/State	: Shri Sangharsh Pandey, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

14/12/2018

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. 389/2018, registered at Police Station Khamtarai District Raipur (C.G.) for the offence punishable under Section 420 of the IPC.
2. As per prosecution story, the applicant induced the complainant and obtained steel worth of Rs. 32,27,828, initially he paid Rs. 7 lac as advance and later on also he paid Rs. 8,00,000/- to the complainant. Thereafter, he did not make the payment of balance amount. On being enquired by the complainant, it was found that no such company existed on that name which was given by the applicant to the complainant. Thereafter, complainant made a report. On the basis of said report, offence has been registered against the applicant and he has been arrested on 17.05.2018.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present

case. He further submits that from the evidence adduced by the prosecution, it seems that it is the case of civil nature, there is no prima facie case under Section 420 of the IPC can be made out against the applicant, the applicant is in custody since 17.05.2018, charge-sheet has already filed and trial will take some time, therefore, the applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the fact and circumstances of the case, evidence collected by the prosecution and further considering the fact that the applicant is in custody since 17-05-2018, charge-sheet has already filed and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 4,00,000/- with two local solvent sureties each of Rs. 2,00,000/- to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge