

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.1403 of 2019**

Ramesh Chundi, S/o Shri Sambhasiva Rao, aged about 45 years, Proprietor Mahalaxmi Feeds and needs address Canal Road Ilaru C/o Shantinagar Ilaru, P.S. 3 town Ilaru District South Godawari (A.P.) India (Surname is wrongly mentioned in order impugned). ---- **Applicant**

Versus

State of Chhattisgarh, through Police Station Arjuni, District Dhamtari (CG). ---- **Non-applicant**

For Applicant : Mr. Pravin Kumar Tulsyan, Advocate.
For Non-applicant : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****11.03.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.406/2018 registered in Police Station Arjuni, District Dhamtari for the offence punishable under Section 420 of Indian Penal Code.
3. Prosecution story in brief is that complainant Shyam Agrawal is a Director of Vivek Agrotech Private Limited. The said company had supplied 393 bags of rice brands bioiled cakes to the applicant. On 28.09.2017, the applicant received consignment worth Rs.2,30,169/-, but he did not pay the amount to the said complainant.
4. Counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case hence he may be released on bail.
5. Counsel for the State opposed the bail application. However, he submits that no criminal antecedent of the applicant is reported in the police case diary.
6. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of the CrPC to the applicant. Accordingly, the bail application is allowed.
7. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- along with a personal bond in the sum of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE