

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 1764 of 2019

- Kishor S/o Marotirao Wandekar Aged About 38 Years Occupation - Business, R/o Shahu Nagar, Majalgaon, Tahsil Majalgaon, District - Beed, Maharashtra.

---- Applicant

Versus

- State Of Chhattisgarh Through The Officer Incharge, P.S. Tarbahar Bilaspur, District - Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Mir Nagman Ali and Mr. Akheel Ahmed, Advocates.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

28/03/2019

1. The applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 390/2018, registered at Police Station Tarbahar, District Bilaspur (C.G.) for the offence punishable under Section 420 of the IPC.
2. First bail was dismissed as withdrawn with liberty to file a fresh after filing of the charge-sheet vide order dated 06.02.2019 passed in MCRC No. 412/2019.
3. In this case, complainant Kishan Chand lodged a report in police station, wherein, it has been stated that he is dealing with the business of sugar and having business terms with the applicant. Accordingly, he has given an amount of Rs. 17, 06,320/- as advance on 20.03.2017 and 20.07.2017 respectively for supply of sugar, but, the applicant did not supply sugar, due to which the complainant demanded for his money back, thereafter, the applicant only refunded an amount of Rs. 4,00,000/- to the complainant. An amount of Rs. 13,31,320/- is still recoverable, but, neither the applicant refunded the balance amount nor he supplied sugar as per agreement. On

the basis of said report, offence has been registered. The applicant is in custody since 19.12.2018.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to some business rivalry. He further submits that on the basis of evidence collected by the prosecution prima facie no offence under Section 420 of the IPC can be made out against the applicant. He further submits that the case is of civil nature. The applicant is in custody since 19-12-2018, charge-sheet has been filed and trial is likely to take some time. Therefore, the applicant may be released on bail.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the applicant is in custody since 19-12-2018, charge-sheet has already been filed and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant 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. 25,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)

Judge