

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3195 of 2019**

- Uday Krishna Ratre, son of late Bhuwan Lal, aged about 36 years, R/o Bhartiya Nagar, Near Balmukund School, P.S. Civil Line, District Bilaspur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The District Magistrate, Bilaspur, District Bilaspur (C.G.).

---- Respondent

For Applicant	:	Shri Sushobhit Singh, Advocate.
For Respondent	:	Shri Vimlesh Bajpai, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****20/05/2019**

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.266/2019 registered at Police Station Civil Line, District Bilaspur (C.G.) for the offence punishable under Section 420 of IPC.
2. Case of the prosecution, in brief, is that the applicant entered into an agreement on 01.05.2015 with the complainant to construct a shop and obtained Rs.5 Lac, but he has not constructed said shop and thereby committed the offence.
3. Learned counsel appearing for the applicant submits that the applicant is innocent person and he has falsely been implicated in the crime in question. He further submits that it is a case of breach of contract and no offence under Section

420 is made out. He also submits that the FIR was filed on 16.04.2019 and the applicant is in custody since 17.04.2019 and the charge sheet has already been filed and, therefore, the applicant may be released on bail. Lastly, it has been submitted that applicant is ready and willing to construct the shop after releasing on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. Taking into consideration the nature of the dispute between the parties and gravity of the offence, facts & circumstances of the case, and further considering the facts that applicant is in detention since 17.04.2019 and the charge sheet has already been filed, and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
6. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Vacation Judge