

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4625 of 2019

Aditya Burad, S/o. Shri Mangalchand Burad, Aged About 31 Years R/o. E/504, A.T. Colony Near, Ashoka Ratan, Shankar Nagar, District Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : District Magistrate Raipur, District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pragalbha Sharma, Advocate
For Respondent/State	: Ms. Akanchha Jain, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/08/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.181/2019, registered at Police Station – Rajendra Nagar, District – Raipur (C.G.) for the offence punishable under Section 420, R/w. Section 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 27.05.2019. No case is made out against this applicant. The applicant happens to be the director of M/s. A.M.B. Civil Construction

Pvt. Ltd. It is not denied that the applicant had received amount of Rs.25,60,000/- in the account of the company, however, the other terms of the agreement between the applicant and the complainant could not work out, therefore, the applicant is ready to refund the amount received by the company from the complainant and negotiation is also going on for compromise with the complainant. Further the charge-sheet in this case has been filed after completion of investigation. Therefore, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that apart from the offence under Section 420, offence under Section 467, 468 and 471 has also been added on the ground that this applicant had issued a forged work allotment letter in favour of the complainant for the purpose of deceiving, therefore, he is not entitled for grant of bail.
4. According to the prosecution case, this applicant gave inducement to the complainants Rajnikant Singh and Nitin Prajapati that he will facilitate getting C&F agency for Shri Cement at Balodabazar and on that pretext he received Rs.25,60,000/- in the account of the company. Later on a work order was sent in whatsapp social media to the complainant showing the assignment given to them by the company, which was found to be fake. Therefore, the FIR has been lodged.
5. Considered on the submissions made and the contents of the case diary. Considering the fact that there is possibility of compromise in the case between the parties and also for the reason that the case is not

pending for trial, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram