

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1732 of 2021**

- Gaurav Agarwal S/o Pawan Agarwal Aged About 28 Years R/o Mira Road Aakriti Garden Hub-Town Gardenia Phase-1, Building No.-5 Maple Room No.-1008 Mira Road Mumbai (Maharashtra)

---- Applicant**Versus**

- State Of Chhattisgarh Through District Magistrate Balod District Balod Chhattisgarh

---- Respondent

For Applicant : Shri Jaydeep Singh Yadav, Advocate

For Respondents/State : Shri Rahul Jha, GA

Hon'ble Shri Justice Goutam Bhaduri**Order****06/07/2021**

1. Heard.
2. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 03.01.2021 in connection with Crime No.105/2020 registered at Police Station Devri, Distt. Balod (CG) for the offence punishable under Section 420 of IPC.
3. As per the prosecution case, the applicant represented himself related to Atul Enterprises and offered certain sell of Urea on commission. The complainant thereafter deposited Rs.60000/- which was routed through different accounts

and eventually the 500 bags of urea were not supplied. Thereby the offence has been committed.

4. Learned counsel for the applicant submits that the entire allegation is about the business transaction and there is no evidence that the alleged amount of Rs.60000/- was ever paid by the complainant, therefore, the very genesis of the case is missing. He would further submit that the applicant is in jail since 03.01.2021, therefore, the applicant may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that the other antecedents of the like nature are also reported against the applicant.
6. Having considered the nature of allegations as also the fact that the charge-sheet has been filed in this case and the evidence are documentary in nature, I am inclined to release the applicant on bail.
7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in 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 by the said Court.

Sd/-

Goutam Bhaduri
Judge

Ashu