

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1992 of 2021

Nawlesh Chaudhary S/o Nandlal Chaudhary, aged about 40 years R/o H.No. 212, Chatakpur, Post: Kamare, P.S. Ratu, District Ranchi (Jhk.) (as per challan) (C.G.).

---- Applicant

Versus

State of Chhattisgarh Through the Station House Officer, P.S. Newai, District Durg (C.G.).

---- Respondent

For Applicant : Mr. Amiyakant Tiwari, Advocate
For Respondent : Mr. Amit Singh, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

05/04/2021

1. The applicant has preferred first bail application under Section 439 of the Cr.P.C for grant of regular bail as he is in jail since 25/04/2018 in connection with Crime No. 272/2017 registered at Police Station- Newai, District Durg (C.G.) for the offence punishable under Sections 420 and 406/34 of the IPC.
2. As per the prosecution story one G. Vinod had lodged a complainant against the applicant that the applicant who was the Director of Nandlal and Company Pvt. Ltd has obtained Rs. 14,71,000/- from the Complainant on the false pretext to supply him goods, but after receiving the money, the applicant neither supplied the goods nor returned the money to the Complainant. On the basis of complaint made by G. Vinod, FIR has been registered and the applicant was taken into custody on 05/04/2018.
3. Learned counsel appearing on behalf of the applicant submits the applicant is an innocent person and has been falsely implicated in the

present case. He further submits that looking to the allegations, no offence punishable under Sections 420 or 406 of the IPC is made out because it is just failure of commercial transaction, and for which a civil remedy is available. He further submits that the applicant is in jail since 25/04/2018 and conclusion of trial is likely to take some time. Therefore, he prays that the applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the facts and circumstances of the case, particularly the fact that the applicant is in jail since 25/04/2018, co-accused has already been released, they were only agents in the case, trial will likely to take time, the applicant is in custody for almost three years and there is no apprehension of the applicant tampering with the evidence or absconding, without expressing any opinion on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of applicant executing a personal bond for a sum of Rs. 2,00,000/- with two sureties of Rs. 1,00,000/- each to the satisfaction of the concerned trial Court, he shall be released on the following conditions:-
 - i. he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court;
 - ii. He shall not act in any manner which will be prejudicial to fair

and expeditious trial;

- iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial; and
- iv. he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand canceled without further reference to the bench.

Sd/-
(Gautam Chourdiya)
Judge

Rahul