

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2221 of 2021

Gaurav Agrawal, 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 : Mr. Jaydeep Singh Yadav, Advocate

For Respondent : Mr. Gagan Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

ORDER

09.07.2021

1. 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 in connection with Crime No.321/2020 registered at Police Chowki- Kanwar, Police Station- Gurur, District Balod, for the offence punishable under Sections 420 of Indian Penal Code.
2. As per the prosecution case, the applicant called up the complainant Santosh to provide him Urea and the amount of Rs.1,50,000/- was transferred to one Ahmed Sohrab. Thereafter, eventually handled on account of Raj Enterprises which was of Sanjay Gupta. The allegation is that the money was transferred at the instance of the present applicant in lieu of certain commission and the amount was withdrawn by the present applicant and Sanjay Gupta only charged commission of it. Therefore, the offence has been registered.
3. Learned counsel for the applicant submits that the charge sheet has been filed, the applicant is in jail since 12.01.2021 and there is

no evidence of Sanjay Gupta wherein the account was handled by the applicant except the oral evidence. Therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that similar cases are registered to the credit of the present applicant.
5. Considering the fact that the charge sheet has been filed and the applicant is in jail since 12.01.2021 and no further evidence is required, I am inclined to release the applicant on bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
6. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge