

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.9702 of 2021

- Amit Dalal, S/o Shri Mahendra Singh, Aged About 39 Years, R/o Plot No.07, Sector 19 B Lords House No.4302 Thana Sector 23 Dawrka West Delhi, Delhi

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Darsiva, District Raipur, Chhattisgarh

---- Respondent

For Applicant	Mr. Akshay Uppal, Advocate
For Respondent-State	Mr. B. P. Banjare, Dy. GA
For Respondent-Objector	Mr. Aditya Tiwari, Advocate

Hon'ble Justice Shri Deepak Kumar Tiwari

Order On Board

20/12/2021

1. The applicant has preferred this first bail application under Section 439 of CrPC for grant of regular bail, as he has been arrested in connection with Crime No.259/2021, registered at Police Station Dharsiva, District Raipur for the offence punishable under Sections 409 & 420 read with Section 34 of IPC.
2. The case of the prosecution in brief is that the applicant, who is the owner of M/s Narayan Enterprises, is mainly engaged in steel trading and purchased 201.970 metric tonne of billets amounting to Rs.89,91,576/- from Rama Udyog, but the said amount has not been paid by the applicant, so the offence has

been registered.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the co-accused Sandeep Goel has already been granted anticipatory bail by the Coordinate Bench of this Court in MCRCA No.730/2021 vide order dated 03.08.2021.
4. Learned counsel for the objector/complainant submits that amicable settlement has already been arrived at between the parties, therefore, the objector/complainant has no objection in granting bail to the applicant.
5. Per contra, learned State counsel opposes the bail application.
6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the act as alleged for which the offence has been registered by the Police Station Dharsiva appears to be a purely civil dispute and the Police has power to arrest, but the Police should always be very caution while exercising the power to arrest and only in appropriate cases power of arrest has to be exercised, without commenting anything on the merits of the case, this Court finds fit that the applicant be enlarged on bail.
8. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on his furnishing a

personal bond for a sum of ₹ 10,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

9. Certified copy today.

Sd/-
Deepak Kumar Tiwari
Judge

Nirala