



2024:CGHC:40686

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7160 of 2024

Ankit Yadav S/o Dhanesh Yadav Aged About 22 Years R/o Village-Parpa, Near B.R. Cold Storage, Police Station- Parpa, Tahsil- Jagdalpur, District- Bastar (C.G.).

... Applicant

versus

State Of Chhattisgarh Through- Station House Officer, Police Station-P Frezerpur (Parpa), District- Bastar (C.G.).

... Non-applicant

For Applicant : Ms. Manisha Yadav, Advocate.

For Non-Applicant : Mr. UKS Chandel, Dy. Advocate General

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

16/10/2024

1. This is the first bail application filed under Section 483 of the BNSS for grant of regular bail to the applicant who has been arrested in connection with Crime No. 119/2024 registered at Police Station Frezerpur (Parpa), District- Bastar (C.G.) for the offence punishable under Section 420 of IPC.
2. Case of the prosecution, in brief, is that the complainant Narendra Babu lodged written report at Police Station Frezerpur (Parpa), stating that he used to supply Neilgiri to I.T.C. Company and for that

on 01.05.2024 he contacted the applicant on his mobile for supplying Neelgiri trees and accordingly it was settled to supply at the rate of Rs. 7200/- per Ton for which an advance amount of Rs. 1,75,000/- was transferred to the account of applicant, against which bill of Rs. 27.950 Ton was also given by applicant. After that E-Way bill was also sent by applicant for which Rs. 40,248/- GST amount was paid by the complainant. Thereafter till 15 days neither the Neilgiri was supplied nor the applicant took up his call, in this manner applicant had cheated the complainant. After the investigation, the Police of Police Station, Frezerpur (Parpa) has arrested the applicant on 07.07.2024 and filed the charge sheet before the learned JMFC, Jagdalpur.

3. The learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and prosecution has not produced any such documents of the transaction relating to the complainant and applicant. He further submits that the entire case is a commercial transaction where merely the applicant liable to supply within time for which FIR has been lodged. He further submits that within 15 days of the advance payment without awaiting and giving time to the applicant, the FIR has been lodged and the applicant is in jail since 19.07.2024 and the trial is likely to take some time for its conclusion. Therefore, he prays for grant of bail to the applicant.
4. On the other hand, learned State counsel appearing for the respondent/State opposes the bail application and submits that from perusal of the case diary, it appears that the

applicant/accused, Ankit Yadav, allegedly cheated the complainant Narendra Babu of ₹2,15,000/- in the name of supplying Nilgiri goods. The complainant stated that he supplies Nilgiri to ITC Ltd. and had discussed the supply with the applicant on May 1, 2024, agreeing to ₹7,200/- per ton. The applicant received ₹1,75,000/- in advance and sent a bill for 27.950 tons of Nilgiri, but failed to deliver the goods or respond to calls after payment. Hence, the present applicant is not entitled for grant of bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of offence, period of detention of the applicant since 07.07.2024 and the fact that the present applicant is a supplier of Neelgiri woods and the allegation is that he cheated with the complainant. Also considering the fact that besides the present case, one case is also registered against him which is listed today before this Court in MCRC No. 7114/2024 and further there is only one criminal antecedent of the applicant of the year 2024 and in the present case, charge-sheet has been filed before the competent Court, therefore, without further commenting anything on merits, I am inclined to grant bail to the applicant.
7. Let the Applicant- **Ankit Yadav**, involved in Crime No. 119/2024 registered at Police Station Frezerpur (Parpa), District- Bastar (C.G.) for the offence punishable under Section 420 of IPC, be released on bail on his furnishing a **personal bond** with **two**

sureties in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient

cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

8. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information.

Sd/-
(Ramesh Sinha)
Chief Justice

Kunal