

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCNo.3375 of 2015**

Kaushal Sahu S/o Shri Krishna Kumar Chaurasiya, aged about 28 years, R/o In front of Municipal Corporation, Bhatapara, Shakti Ward, Baloda Bazar, District Baloda Bazar-Bhatapara (CG)

---- Applicant (In Jail)**Versus**

State Of Chhattisgarh through Police Station Torva, District Bilaspur,
Chhattisgarh

--Non-applicant

For Applicant	:	Shri A. K. Yadav, Advocate
For Respondent/State	:	Ms. Shubha Shrivastava, Panel Lawyer

Order On Board**14/07/2015**

The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.95/2015 registered at Police Station Torva, District Bilaspur for the offence punishable under Section 420/34 of IPC. The applicant has been arrested on 08-04-2015.

2. Case of the prosecution is that the applicant cheated ATM card holder by falsely stating regarding irregularity in operation of ATM machine and thereby extracted Rs.8,000/- with the use of ATM card of the complainant.

3. Learned counsel for the applicant submits that the applicant has not committed the alleged overt act. The only allegation against the applicant is that after Rs.8,000/- was taken out by the co-accused, Rs.1,000/- was given to him. It is lastly submitted that the investigation is complete, charge sheet has been filed and the applicant is not likely to abscond or tamper with the prosecution witnesses.

4. On the other hand, learned State counsel opposed the bail application by submitting that the applicant is involved in one more case of similar nature and if he is released on bail, his release may result in misuse of liberty.

5. Taking into consideration the nature of allegation, the amount involved in the alleged cheating and the role alleged to be played by the applicant and further that the investigation is complete, charge sheet has been filed, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with one local surety of the like amount to the satisfaction of the trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted.

Sd/-

Manindra Mohan Shrivastava
Judge

Tumane