

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4844 of 2015**

- Amardeep Bhawarkar, son of Sopchand Bhawarkar, aged about 34 years, R/o. HIG-1/256 Borsi Colony, Durg District Durg (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through: The District Magistrate, Durg (C.G.)

---- Non-applicant

For Applicant:	:Mr. Jitendra Gupta, Advocate.
For Non-applicant/State	:Mr. Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****15/09/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 418/2014 registered at Police Station Bhilai Nagar, Durg for the offence punishable under Section 420/34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant and one other co-accused person manipulated the ATM machine and deceived the ATM account holders by withdrawing amount of ₹ 2,05,000/- held by various complainants and, thereby, committed the aforesaid offences.

(3) Counsel for the applicant submits that applicant has falsely been implicated in the offence in question as there is no evidence on record to connect the applicant with the crime in question. He further submits that the applicant is in jail since 16.12.2014; and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State submits that applicant & another co-accused by manipulating the ATM machines and dissuading the ATM account holders, withdrawn amount of Rs.2,05,000/- and, therefore, he is not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the case; and the manner in which applicant, by manipulating ATM machine and deceiving the ATM account holders, withdrawn amount of ₹ 2,05,000/- held by various complainants; I am not inclined to release the applicant on bail. Thus, the bail application is rejected. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-