

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4730 of 2016

Javed Ali, S/o. Sameer H. Ali, Aged About 22 Years, R/o. Behind Surya College, Gangamundapara, Jagdalpur, District Bastar, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Incharge, Police Chowki Bakawand, Police Station Nagarnar, District Bastar, Chhattisgarh.

---- Respondent

For Applicant : Mr. Goutam Khetrapal, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22.08.2016

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.171/2014 registered at Police Chowki- Bakawand, Police Station- Nagarnar, District Bastar (C.G.) for the offence punishable under Section 380, 408, 120-B of Indian Penal Code and Section 43 (Cha), 66 of Information of Technology Act.
2. As per the prosecution case, on 13.07.2014 a report was made by Piyush Soni that from the SBI- ATM situated at Bakawand Rs. 24 Lakhs was taken away. Subsequently, on investigation, it was found that the present applicant who was the employee of Logitech alongwith his brother Irfan who was also an employee of Logitech shared the password and took away the amount of Rs.24 Lakhs from the ATM.
3. Learned counsel for the applicant would submit that the incident had happened on 11.07.2014 and the statement of the witness was recorded first time on 24.01.2016 and the applicant has been

falsely implicated and virtually no evidence is available against him, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that the applicant has shared the password to his brother Irfan and took away the money by opening the ATM with the password which is evident from the statement of Rakesh Sharma, ATM Engineer, that without the particular password the ATM cannot be opened. Therefore, he submits that the applicant may not be released on bail.
5. Perused the case diary, statement of Rakesh Sharma, memorandum statement of the present applicant and also the statement of Pradeep Kumar Bhounik, Operation Manager of Logicash. Considering the statements, nature of offence and the evidence available against the applicant, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge